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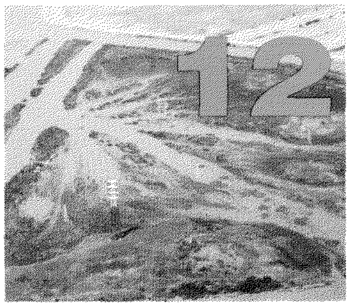

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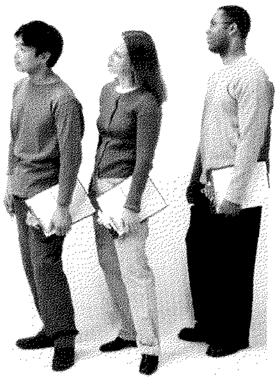

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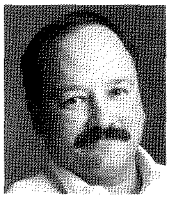


This issue marks a special new experiment for *California Journal.* Thanks to technological advances and creative planning by Sierra Printing in Rancho Cordova, which has published this magazine for over 30 of its 34 years, the deadline for our late-breaking stories is now barely 48 hours before the issue hits the streets. That's a major improvement from our previous deadline. Timing is everything in journalism, and the type of stories available to newspapers, television or monthly magazines is significantly shaped by production schedules. *California Journal* has aimed at thoughtful, comprehensive analysis of issues under discussion in the Capitol, not day-to-day developments. I instruct our journalists to use a "telescope or microscope" in preparing stories that are either broad, thematic views of state issues or snapshots more narrow than the coverage in general-interest media. That will continue. But now we have another tool that will improve coverage of fast-moving stories like the state budget and elections. In this issue, it helped us prepare "California in Crisis," a special project that asks experts, insiders and researchers to explain the causes behind the historic problems facing our state today.

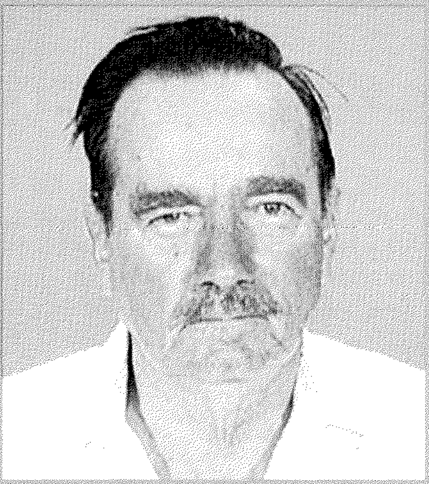
umbrage

Off-road budget: It's just another sign of the times. With California struggling through its worst budget in history, the state auditor released a report in July that said that the state's transportation funds have wasted away to next to nothing. The report detailed how in recent years the Legislature took $1.5 billion in loans from transportation funds to shore up the budget. Couple the loans with Gov. Gray Davis' current budget proposal that calls for cutting $970 million more from transportation, and you get a serious shortfall that the audit said would curtail road and highway improvements up and down the state. Furthermore, future funding is in doubt, the report said, because the state was too optimistic in its estimates of how much money it would take in from fuel taxes, the federal government and truck fees. Since much of the planned roadwork was geared to relieve traffic congestion, some lawmakers are calling for opening up carpool lanes.

More bad news: Isn't it just the way things work that when you're low on cash you can count on getting a big unexpected bill in the mail? Recently, it happened to cash-strapped California when the Bush administration decided to penalize the state $62.5 million for errors in dispensing food stamps. It was the second year in a row that the feds slapped California with a fine for food stamp errors — last year it was $114 million. The state appealed that fine. According to the federal government, California's 2002 error rate in dispensing the stamps was almost double the national average. In all, the state paid $172 million in food stamps to recipients who were not entitled to them and shortchanged qualified recipients by about $80 million. Over 600,000 households in California rely on food stamps. About the only good news, according to the feds, is that California's error rate dipped about 3 percent in 2002.

Free to go

California released hundreds of convicted, confessed and suspected child molesters when the U.S. Supreme Court ruled in late June that the state's 1994 law to extend the statute of limitations for child molestation was unconstitutional. The case was brought to the high court by 75-year-old Marion Stogner (left), who was charged in 1998 with sexually abusing his two daughters when the family lived in Antioch. One daughter alleged Stogner abused her from 1955 to 1964, while the other charged she was abused from 1967 to 1973. Stogner denied the charges and challenged the law through state courts until it reached the Supreme Court. The justices overturned the law by a 5-4 vote, a majority that consisted of Justices Stephen Breyer, John Paul Stevens, Sandra Day O'Connor, David Souter and Ruth Bader Ginsburg. The court's ruling won't affect cases where alleged abuses happened within the past 15 years and will also not affect laws allowing alleged victims to sue alleged abusers in civil court.



Marion Stogner in a 1998 booking photo taken when he was arrested for the alleged molestation of his daughters.

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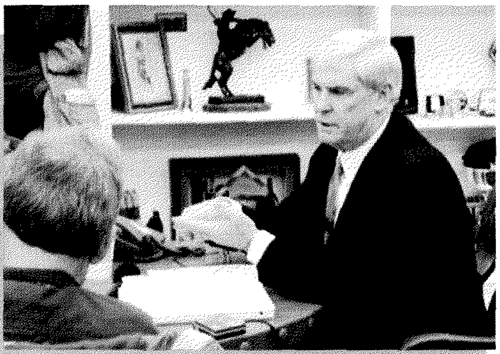
Mirror, mirror:

Our crazy neighbor, Nevada



Governor Kenny Guinn

Maybe it's something in the Colorado River water that flows to Nevada and into parts of California. You'd think budgeting couldn't get crazier than in Sacramento, where politicians grapple with a $38 billion shortfall while the sitting governor, Gray Davis, is the focus of a vigorous recall campaign. But in Nevada, it's crazier. Or is it? In July, the Nevada Supreme Court stunned observers when it ruled that the Legislature there needs only a simple majority to raise taxes (Nevada's state constitution says that to raise taxes Nevada's legislature must approve by a two-thirds vote). The reason? The justices ruled that government's obligation to fund schools took precedent over any two-thirds requirement. That had observers — like the group Nevadans for Tax Restraint (sound familiar, Californians?) — talking of recalling the six justices (one dissented) who voted to force the Legislature to pass a budget by majority vote. There have also been ads that have threatened Nevada Republican Gov. Kenny Guinn with the dreaded "R" word — recall — because he proposed a budget that included tax increases. It all makes you long for the tranquility of Sacramento, doesn't it?

Hangover:

Dot-com fallout

Well, the party's over. The empty champagne bottles are strewn all over the floor. The stench of cigar smoke and the echoes of giddy laughter still linger, but alas, everyone's gone home. When 309 Internet companies — many of them in the Bay Area — recently agreed to pay investors $1 billion for allegedly inflating the value of their initial public offerings, there was the sense that the book had been closed on one of the more remarkable periods of economic expansion in American history. What started as a Silicon Valley revolution that many thought would change the very nature of how business is done, turned into a national temporary moment of insanity that would eventually (read: now) plunge states like California — which wallowed in stock option tax receipts until they dried up — into fiscal crisis.

Perception:

Doing business in CA

CALIFORNIA BUSINESS
TOP TEN

There's a popular perception among some that California is hostile to business. The theory is that the folks in Sacramento produce so much loopy regulatory legislation that it makes it hard to turn a profit in the Golden State — never mind that, alone, California has the fifth largest economy in the world. Now comes more evidence that not only do California businesses lead the way in the U.S., they're also growing at a faster rate than competitors elsewhere. Of the 500 fastest growing companies in the U.S., 58 of them come from California, according to an *Inc. Magazine* survey that will come out in late October. Three of the top10 are from California, which boasts a gross state product of $1.4 trillion. That doesn't sound too bad.

Quotables.....

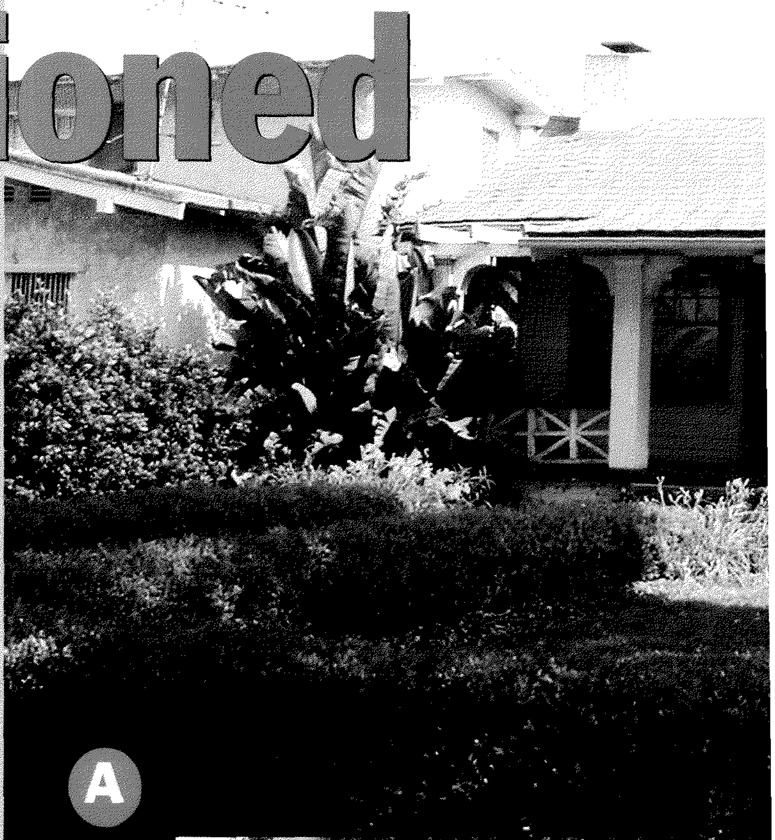
"Then there's me: the nutso, the political wacko, the president of the Banana Republic of California, the guy who can't be controlled. How do you like our funny farm?"

— Ted Costa, head of the recall Gray Davis effort, to the *Los Angeles Times*

Watering the old-fashioned way

Stopping the tainted water running off of Southern California's urban cement-scapes would mean cleaner beaches, better habitat protection and fewer shortages. The modern solution copies methods more than a century old.

By William J. Kelly

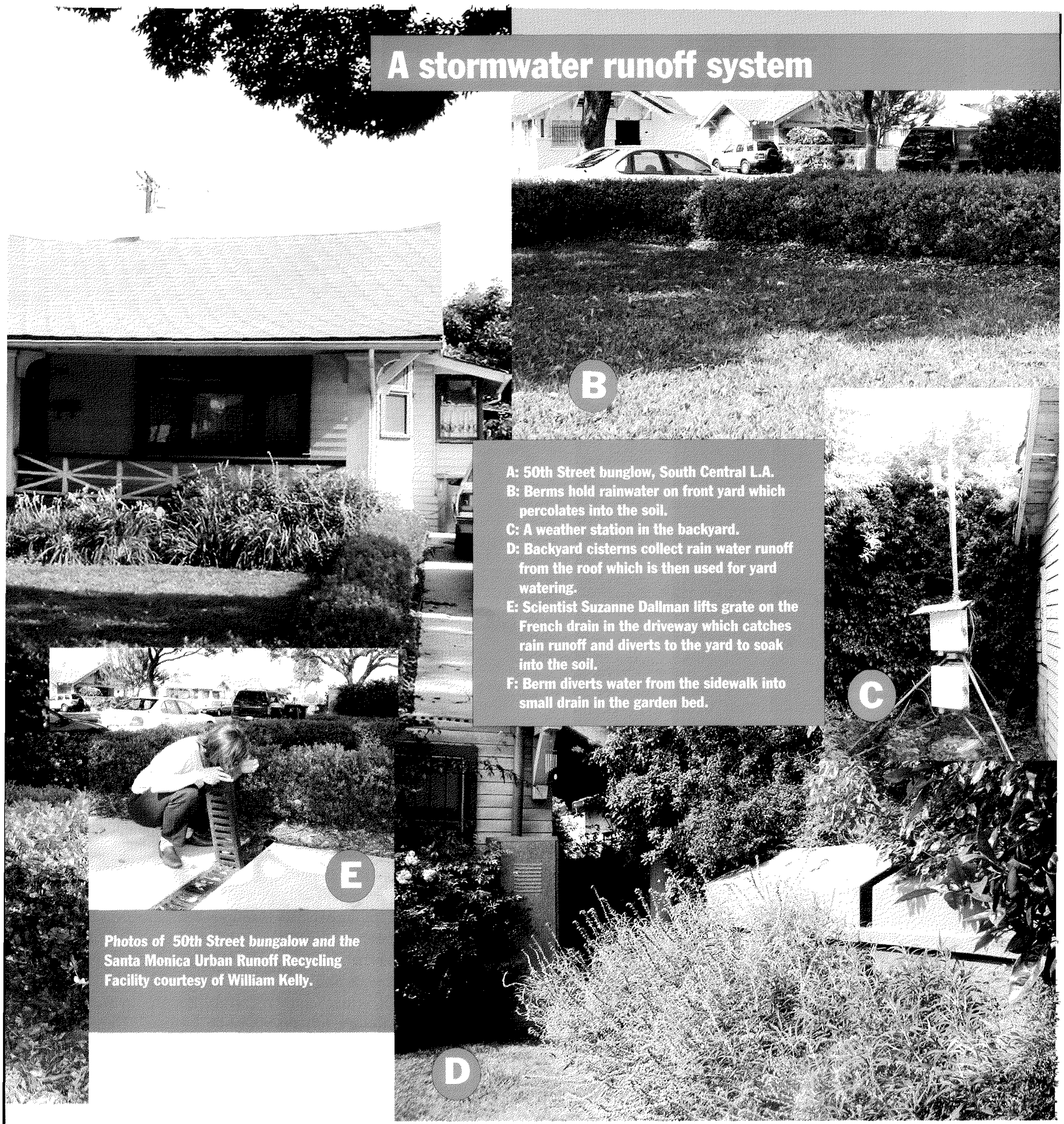


To the untrained eye, the pre-World War II bungalow home on 50th Street in the South Central area of Los Angeles is hardly unusual. A walkway divides the front lawn and leads up to a broad front porch. Above it, a pitched roof slopes downward. Two cars are parked on a long driveway.

Yet scientist Suzanne Dallman quickly points out many unique — though barely noticeable — features at the house designed to capture rainwater when it runs off and allow it to percolate into the ground.

Upon close inspection, slightly raised beds, known as berms, surround the front yard of the home. Water from the roof gutter drains onto the lawn and soaks into the ground. There is a French drain near the beginning of the driveway. Rainwater running down the driveway drains through its steel grate into a small cement trough and runs into a perforated pipe where it soaks into the soil. In the backyard, water from the roof gutter drains into two tanks,

A stormwater runoff system

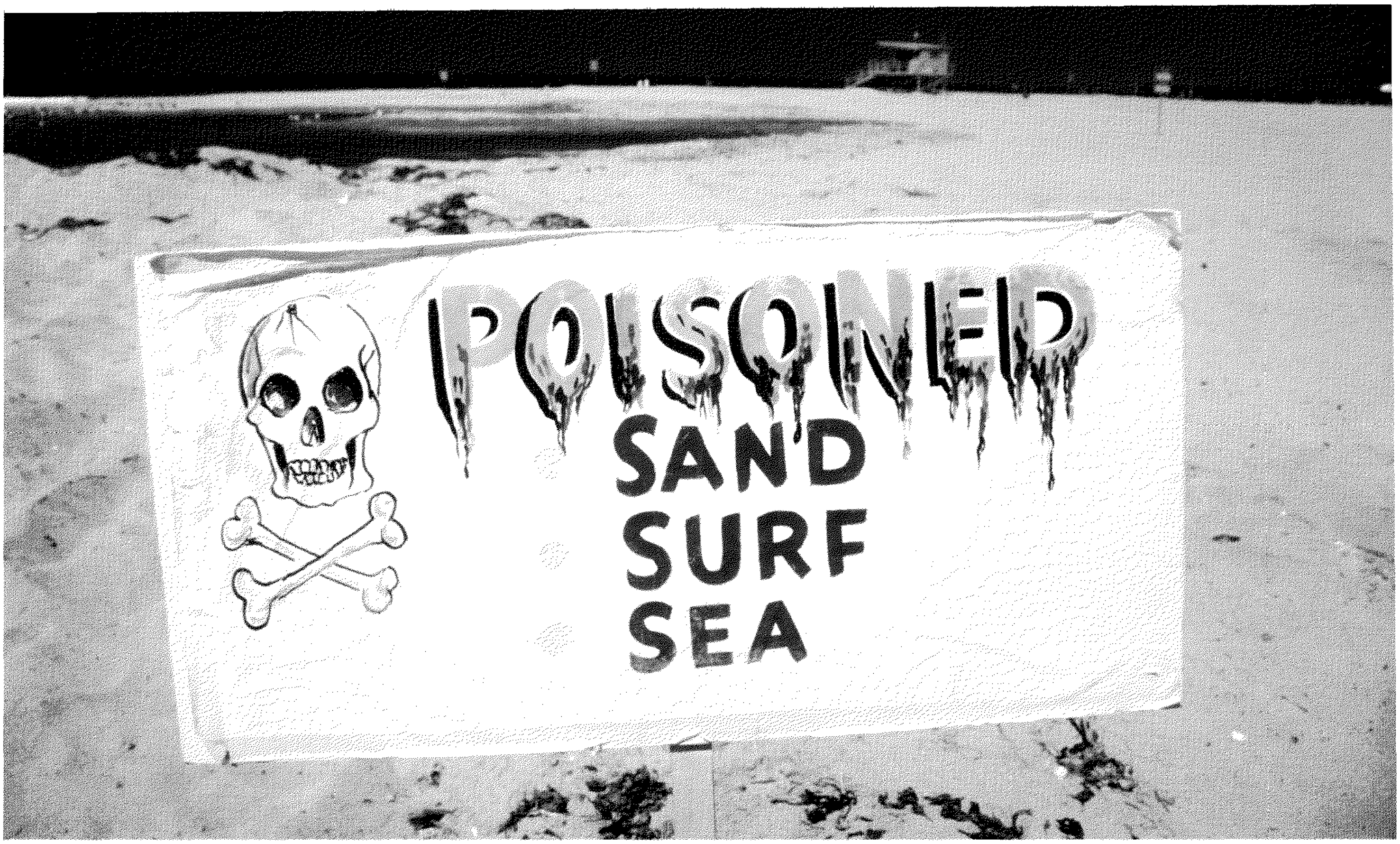


A: 50th Street bunglow, South Central L.A.
B: Berms hold rainwater on front yard which percolates into the soil.
C: A weather station in the backyard.
D: Backyard cisterns collect rain water runoff from the roof which is then used for yard watering.
E: Scientist Suzanne Dallman lifts grate on the French drain in the driveway which catches rain runoff and diverts to the yard to soak into the soil.
F: Berm diverts water from the sidewalk into small drain in the garden bed.

Photos of 50th Street bungalow and the Santa Monica Urban Runoff Recycling Facility courtesy of William Kelly.

known as cisterns, where it is stored for watering the yard during dry weather. The cistern holds up to 3,000 gallons of rainwater, which equals about 10 percent of the property's annual yard watering needs.

Dallman points out a series of scientific instruments on the property, including a weather station, soil moisture monitors, water flow meters, and a device to pull water samples from the soil at a depth of 10 feet. Scientists take the samples to a laboratory, where they are analyzed for pollutants, such as oil and gasoline potentially dripping from cars on the driveway. Bacteria near the surface of the soil are able to eat the minute amounts of oil and grease



A sign posted on the Santa Monica beach by members of the Big Green environmentalist group warning visitors of the toxic dangers. Photo: Joseph Solm, Corbis 1990.

before the water gradually infiltrates down to the water table about 200 feet below ground, according to Dallman.

"It is retro in a way," said Dallman, manager of storm water programs for the Los Angeles & San Gabriel Rivers Watershed Council. The measures at the home hearken to the era of the California missions and to less developed places in the world, where cisterns were and still are used to collect rainwater. The simple features at the Los Angeles home, scientific measurements show, are effective in making good use of runoff from the property and preventing pollution.

Based on the success of such features at a growing number of locations around California and the nation — referred to by water pollution control experts as best management practices — Dallman and a growing chorus of scientists believe that their widespread use will become a major part of the solution to Southern California's water quality and water supply problems. These and other simple measures, they say, could help eliminate beach closures and surf borne illnesses in Southern California and significantly reduce the region's need to import water, even in the face of dramatic growth, freeing up water in Northern California for restoration of aquatic habitat for salmon and other species.

Driving the growing interest in such practices are new standards recently adopted by the state's Regional Water Quality Control Board in Los Angeles. The standards are designed to clean up and reduce storm water and dry weather urban runoff, which are the region's top sources of water pollution. Water that used to percolate into the ground long ago and run toward the ocean in natural meandering rivers and wetlands now quickly runs off the hard surfaces of roofs, sidewalks, driveways, parking lots and roadways in the vast megalopolis. It carries bacteria from pet and human waste, litter from city streets, and chemicals from roadways and businesses as it rushes down storm drains to largely cement-lined flood control channels that convey it to the ocean. Overwatering of lawns, car washing, and hosing off driveways, patios and other cement surfaces carry pollutants during dry weather periods to the region's popular beaches through storm drains.

As a result, people who swim near storm drains during the summer have a one-in-25 chance of getting sick, according to Renee de Shazo, a staff scientist with the Los Angeles Regional Water Quality Control Board. "In wet weather, that number will probably be higher." Those illnesses include a variety of eye, ear and respiratory infections, as well as intestinal illnesses and skin rashes.

Pollution carried into the oceans, most of it with runoff and storm water, routinely forces public health officials to close beaches up and down California's coast, threatening the tourist trade. In 2001, Los Angeles County experienced 1,046 beach closures, according to the Natural Resources Defense Council. Statewide, there were 6,568 beach closures in 2001, up from 5,780 in 2000 and 5,000 in 1999.

While still not perfect, improvements in sewage treatment plants have reduced pollution along the California coast dramatically, according to Mark Gold, executive

BE AWARE
DRAINS TO RIVER

A reminder to the public where the sewers flow.

> **"If you want to restore salmon in Northern California, have Los Angeles use less of their water."**
>
> **— Kathleen Bullard, Mountain Recreation and Conservation Authority**

director of Heal the Bay in the Los Angeles area, which focuses on cleaning up Santa Monica Bay. "When it comes to storm water, we haven't done a damn thing," said Gold, who has worked as a marine scientist for 15 years.

Congress identified storm water as a major cause of water pollution when it amended and reauthorized the federal Clean Water Act in 1987. Those amendments called for states to adopt storm water discharge permits for municipalities that outlined pollution control requirements. Those permits set enforceable requirements for municipalities to control pollution in both storm water and runoff during dry weather.

In Los Angeles County, the water board adopted the first permit in 1990. "It largely contemplated volunteerism," according to David Nahai, a member of the board. The permit was gradually tightened when it was renewed in 1996 and made more stringent in 2001, the latest adopted version. It sets binding requirements for 84 cities, as well as the county, an area with more than 9 million people.

Regulators at the water board see the permit as working hand in hand with standards they are developing to set numerical limits on individual pollutants in waterways, known as total maximum daily loads. So far, the board has set those standards for trash and bacteria, providing municipalities extended time frames of 13 and 10 years respectively to comply.

The storm water permit, which is aimed at meeting the pollution limits, is requiring cities to take a number of steps, according to Xavier Swamikannu, storm water section chief for the Los Angeles regional water board. Cities must regularly clean streets and remove litter from storm drains, inspect businesses to make sure that they are following water pollution control practices, eliminate illicit connections and discharges to storm drains, educate the public on pollution prevention, and require land developers to design their new projects to retain storm water so that it soaks into the ground and to filter what runs off. The success of the actions by cities is to be verified by water monitoring along county rivers and beaches. Cities interested in integrating their storm water pollution control programs with strategies to restore watersheds and enhance water supplies will have 18 years, instead of 10, to meet the bacterial pollution limits.

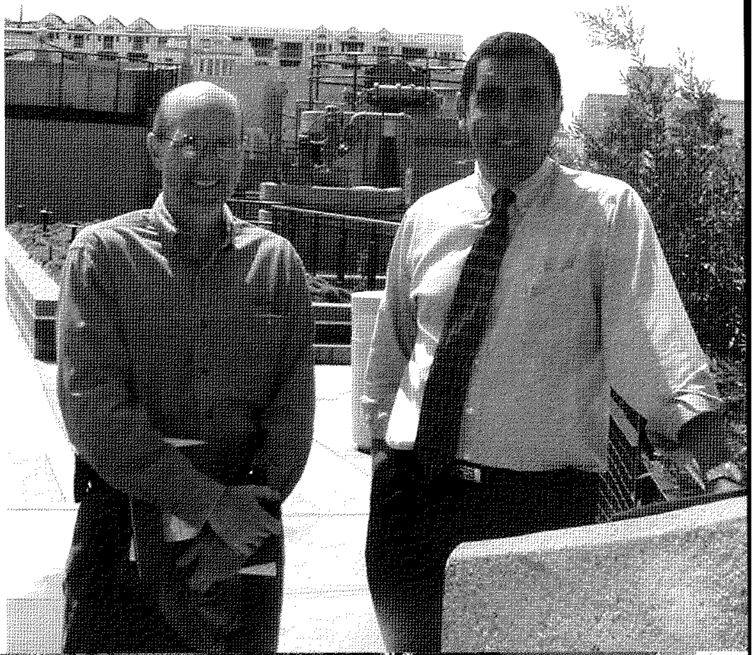
"Water quality and water quantity are essentially interconnected issues," according to Susan Cloke, chair of the Los Angeles Regional Water Quality Control Board. Solving the storm water runoff pollution problem could serve multiple public policy goals, according to Cloke, including providing clean beaches, recharging the region's groundwater supply, and creating parks in an urban area short on open space. Many cities in the region are using state funds from a variety of bond measures — including Propositions 13, 40, and 50 — to restore the county's watersheds and to achieve the multiple aims Cloke and her fellow board members advocate. Storm water runoff, if allowed to soak into the water table, could supplant up to half of the water imported into Southern California from the Colorado River and Northern California, according to Cloke.

"If you want to restore salmon in Northern California, have Los Angeles use less of their water," said Kathleen Bullard, chief of the watershed division of the Mountain Recreation and Conservation Authority. "We really want to direct the evolution of the Los Angeles River for groundwater recharge, recreation, flood control and clean water."

Bullard noted that the cement in the Los Angeles River will wear out within 20 years. This will open the opportunity for authorities to replace it with material that allows water to soak into the ground. Cities that line the waterway will gain the opportunity to redesign portions of the river to create some recreational areas.

Even capturing and reusing dry weather runoff could significantly enhance water supplies in thirsty Southern California. One such effort to do this is the Santa Monica Urban Runoff Recycling Facility. On a sunny day at the beach, water from an area of more than 12 square miles served by the Pico-Kenter storm drain pours steadily into the facility, where it is treated for reuse. "Every unit of water we get out of this plant is one less unit we have to import from Northern California," explained Gilbert Borboa, utilities manager for the city of Santa Monica.

On average, some 300,000 gallons of water a day from sprinklers and hoses at homes and businesses in the urban area flow into the plant, water that otherwise would carry pollutants into the ocean at one of the world's most popular beaches. Trash is screened out before the water enters the plant. Solids are settled, oil and grease is skimmed off the water, and it is sent through a micro-filtration unit to remove other pollutants. Finally, it is disinfected with ultraviolet light and a touch of chlorine is added before the water is sent through a special recycled water plumbing system to irrigate parks and flush toilets in nearby office buildings.



Santa Monica financed construction of the $12 million facility, including distribution pipes for the treated water, through a basket of funds from state clean water bonds, the city of Los Angeles, the Metropolitan Water District, and even the federal Intermodal Surface Transportation and Efficiency Act, since the storm drain served by the facility drains numerous busy streets, according to Craig Perkins, director of environmental and public works management for the city. Santa Monica spends about $250,000 a year out of its wastewater fund to operate the facility, according to Perkins. Dry-weather flows from other storm drains in the city are being diverted to a nearby sewage treatment plant before their discharge to the ocean.

Santa Monica also has adopted standards for developers of new properties that require them to employ best management practices for storm water in their building and landscape design. The standards have stimulated some changes in development design. For instance, at the recently built IMAX headquarters, parking lots were designed so that storm water drains into landscaping beds without curbs where it can soak into the ground, according to Dallman. In most parking lots, curbs surround the landscaping beds, and rainwater drains into a storm sewer through which it carries pollutants to the ocean.

"Having clean storm water is the right thing to do," said Santa Monica City Council Member Mike Feinstein. "That should be a starting premise for local government." Feinstein noted that Southern California tourism depends upon clean beaches and benefits not only coastal communities, but also the entire region. Each year, 55 million people visit the beaches along Santa Monica Bay, according to the regional water board.

However, not all cities have embraced the storm water cleanup and management requirements to the same extent as Santa Monica. One group of 48 cities, known as the Coalition for Practical Regulation, is fighting the storm water permit in court, claiming compliance will require all storm water to be run through specially designed treatment plants that will cost $54 billion or more to build. The cities, led by Signal Hill, are worried about a provision in the 2001 storm water permit which opens them to enforce-

The Santa Monica Urban Runoff Recycling Facility. (Upper left) Managers Craig Perkins (L) and Gilbert Borboa (R). Photos courtesy of William Kelly.

ment action if pollution in the county's waters exceeds limits set by the regional water board. They maintain that provision could open them to potentially unlimited liability. Developers also are contesting the requirements along with the local governments who view storm water, and requirements to clean it up, largely as a cost with few benefits.

To forge consensus and open the way to progress in managing storm water as the permit is implemented, some, like Rick Harter, executive director of the Los Angeles & San Gabriel Rivers Watershed Council, believe that clarifications in the regulatory structure governing storm water ultimately will be needed. Harter's council has dedicated itself to conducting an ongoing dialogue on storm water and watershed management in search of a consensus. The success of storm water management programs also will depend upon a stable and ongoing source of funding for watershed improvements and retrofits of existing buildings. "Meeting storm water regulations will be very costly," said Harter. "We can either invest it wisely or poorly."

In many respects, the contentious dialogue over storm water management in Southern California is reminiscent of the debate over air quality in the late 1980s and early 1990s when the regional air pollution control district outlined an ambitious action plan to adopt and enforce cleanup measures on local cities and businesses. That plan included requirements that cities install air pollution controls on landfills, sewage treatment plants, municipal power plants and other public facilities, and convert trash trucks, public transit buses and public works vehicles to run on clean fuels. Cities and businesses feared that the cleanup plan would have a negative effect on the economy. As the plan was implemented, however, there was an ongoing regional dialogue that brought adjustments. Some 14 years after the plan was adopted in 1989, the air in the region is markedly cleaner, and the economy has grown.

Similarly, the real key to better management of storm water may well be continued dialogue and a change in how the new requirements are perceived. "Every new requirement is tested and accepted or rejected," said Cloke, regional water board chair. "There have been difficult periods while the decision was being made." Despite the controversy, Cloke said she believes that "a consensus is being formed that will be overwhelmingly in favor of clean water."

In the broadest view, storm water is a valuable resource in water-short California. Each year in the Los Angeles and San Gabriel River watersheds — which drain most of urban Los Angeles County — hundreds of thousands of acre feet of storm water rushes to the ocean, carrying pollution with it. If only a portion of it could be infiltrated to recharge groundwater and diverted to wetland park areas, storm water could provide usable water, habitat for wildlife, recreational areas, and drive tourism. It also could free water to improve watersheds in Northern California.

"Efforts toward restoring the natural hydrology to the system will go a long way toward solving a lot of problems," concluded Dallman.

William J. Kelly is editor and publisher of California Environment Report *at www.southlandreports.com. Comments may be sent to* **comments@californiajournal.com.**

Stirring the calm waters

Raging wars over Northern California water between farmers, cities and environmentalists calmed significantly after lawmakers created the CALFED program in 1995 and established a new negotiating forum. Now, some groups worry the wars could reignite because the Bush administration is too distant and too tilted to agriculture.

By Stephen Robitaille

In its eight years of existence, the ambitious water planning program known as CALFED has logged an achievement unparalleled in the state's century-long water wars — it has managed, for the most part, to keep the peace.

The CALFED Bay-Delta Program, spawned from the serious drought and the water system gridlock of the late 1980s and early 1990s, is a massive clearinghouse of 24 state and federal agencies. Coupled with a 29-member Public Advisory Committee, the organization represents almost every conceivable constituency with a stake in the fresh water that flows through the Central Valley and into northern San Francisco Bay, providing nearly 55 percent of California's water needs.

A voluntary organization named for the state-federal cooperation, CALFED has garnered kudos from historically antagonistic interest groups for its work on a water management plan that balances the competing needs for Bay-Delta water, and for getting traditionally isolated bureaucracies to work together.

But just as CALFED has scored some early victories and secured solid

state backing and voter-approved bond monies, the confederation is showing signs of severe strains that could threaten its future — and that of sorely needed fixes for the estuary. A number of key participants have voiced concern or dismay at what they consider a federal retreat from the collaborative process.

They warn that recent conflicts with federal authorities are serious enough to jeopardize CALFED and once again leave the estuary — a linchpin of the state's $27 billion agriculture industry, supplier of water for 22 million people and home to a stunning array of wildlife — vulnerable to drought, pollution and earthquakes. "What we've seen is a change in the administration at the federal level ... it's terribly disturbing, and it goes counter to what CALFED was constituted to do," said Zeke Grader, executive director of the Pacific Coast Federation of Fishermen's Associations, a commercial fishing trade group based in San Francisco, which has a seat on the advisory committee.

Barry Nelson, a senior policy analyst at the Natural Resources Defense Council, said decisions by the U.S. Department of the Interior have reduced water to some ecosystems and increased the share sent to farmers. He worried that the actions could spark a return to the courtroom gridlock that CALFED had so effectively ended.

The defense council is one of the environmental groups which brought a series of lawsuits in the early 1990s to protect dwindling fish populations in the Delta. The suits prompted major court-ordered cuts in water deliveries to farms and cities, and convinced many water users of the need for collaboration among the stakeholders. Nelson credits CALFED with helping lessen annual water-versus-fish conflicts that in the past had shut down water deliveries to agriculture at critical growing season junctures, and speeding passage of state water improvement bond measures — four in the past three years alone, totaling more than $11 billion.

"Without any doubt, what CALFED has accomplished is it got folks to work together and try to get sophisticated solutions to complicated problems," said Nelson. "But there's no more fed in CALFED. This administration's lack of affection for California is well-known. Its lack of affec-

Low-lying Delta farmland at risk with levee breaks.

tion for CALFED is well-known. On good days they're ignoring the program, and on bad days they're undermining it."

Bennett W. Raley, assistant secretary of the Interior for Water and Science, and co-chair of CALFED's policy group, the program's steering committee, did not respond to an interview request. But Jeffrey McCracken, public affairs director for the U.S. Bureau of Reclamation in California, declared his agency's fealty to CALFED and denied that support has slackened.

"CALFED has provided us with a good vehicle for coordination with the state and federal government in water policy that didn't exist before," said McCracken. "Even when the governor is a Democrat and the president is a Republican, or vice versa, it shows they can all work together.

"Regardless of what people are saying, CALFED is alive and kicking," he added. "It's still called CALFED – it's not called CalCal and it's not called CalEnviro."

But concern about recent federal behavior is also shared by state officials. Mary Nichols, secretary of the state Resources Agency and a co-chair of CALFED's policy group, remains upbeat about the long-term prognosis for CALFED even though she believes federal participation is slipping.

"Right now, we are seeing some reluctance from the [federal] Bureau of Reclamation to participate in CALFED," she said. "I'm not speaking about any specific project, but the attendance, the [rank] of the individual attending, the willingness to commit to things has changed," said Nichols. "We're finding that our partners at Reclamation are not as interested in trying to coordinate. It won't show up for months or years to come, but it will make a difference if we can't get it back on track."

Nichols added that U.S. Interior Department officials "have said all the right things in formal testimony. But as a practical matter, these agencies are more inclined to want to go it alone. You can attribute political reasons to this, but California water politics does not break down so easily as all that. We will just have to work to keep Interior engaged."

Mary Nichols, co-chair of CALFED's policy group and secretary of the State Resource Agency.

Stephen Hall, co-chair of CALFED's water supply subcommittee and the executive director of the Association of California Water Agencies, an urban water agencies trade group, also saw a familiar pattern in the latest squabbling.

"In California water issues, there are always more sides than a geodesic dome, and everyone has an ax to grind," Hall said. "In the Clinton administration, the water users thought the government was out to get them. In the Bush administration, it's the environmental groups. When I hear criticism of CALFED, I ask people, 'What would you do instead?' Nobody has a good answer."

> **"In California water issues, there are always more sides than a geodesic dome and everyone has an ax to grind."**
>
> **— Stephen Hall, CALFED co-chair and executive director of California Water Agencies**

At the center of the CALFED debate sits the Bay-Delta estuary, a complex, vulnerable and damaged waterway with a complicated set of needs and a large crowd of contentious interest groups all competing for its water. The Sacramento and San Joaquin rivers flow into the Delta, a huge tract of historical wetlands that has been diked off and converted into highly productive farm land. Fresh water flows through the Delta into San Francisco Bay and out to the Pacific Ocean.

The State Water Project and federal Central Valley Project divert billions of gallons of that water each year, much of it through their huge pumping systems near Tracy, to feed the farms and cities of Southern California that are important engines of the state's economy — but which lack enough local water to meet their needs. Water users along the two major rivers and their feeder streams take their cut before the water reaches the Delta, as well.

The Delta, with its Byzantine lacework of channels and sloughs, acts as the piping system of Northern California water, feeding the state and federal water projects. But the farmland behind the levees has subsided. The levees, many of them dating to the 19th century, are old and falling apart in a number of areas.

The levees are highly vulnerable to seismic damage. Disaster scenarios show that a major quake on the Hayward Fault could rupture numerous levees. Fresh Delta water would inundate the low-level farmlands, while salt water from the Bay would rush in to take its place, turning much of the Delta into an inland sea. This could foul the state and federal pumping plants for months with salt water and effectively cut off fresh water to a large portion of the state's farmers and major urban areas — including Los Angeles, Silicon Valley, portions of the East Bay and cities all along the Central Valley.

Water quality in the Delta is another ongoing problem, according to researchers. Organic matter decomposes in the water, and when mixed with fluoridation chemicals in the drinking water treatment process forms a carcinogen known as trihalomethane. The levels of this carcinogen in Delta drinking water, according to the state water agency association, are more than twice the national average. Bromide, a type of salt that also forms a carcinogen, is present in Delta drinking water at six times the national average, according to CALFED and the state water agency association.

Regardless of quality, there has been no slaking of the state's thirst for water. The state's current population of 35.6 million is more than 10 million above the number of residents in 1977

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Fish and birds are at risk when the levees fail to keep salt water out of the Delta.

and is expected to top 50 million by 2020. Water agencies worry that with the system's current storage capacity, the state simply will not have enough water to meet the total demand — especially when a drought hits, a regular occurrence in California.

But the removal of substantial portions of the estuary's historic freshwater flows has allowed salt water — and its bromides — from the Bay to intrude ever farther into the estuary. The increased pollution and water diversion have wreaked havoc on the environment, placing at least four types of fish on state or federal endangered species lists, according to researchers.

Over time, the battles among interest groups coalesced into what has been lumped together as the state's water wars. Southern California, with its economic star rising, needed ever-increasing amounts of water. Northern California, where most of the state's water resides, was resistant. State legislators, north and south, battled each other for decades, dooming projects that would have increased water system capacity, repaired levees or restored ecosystem health.

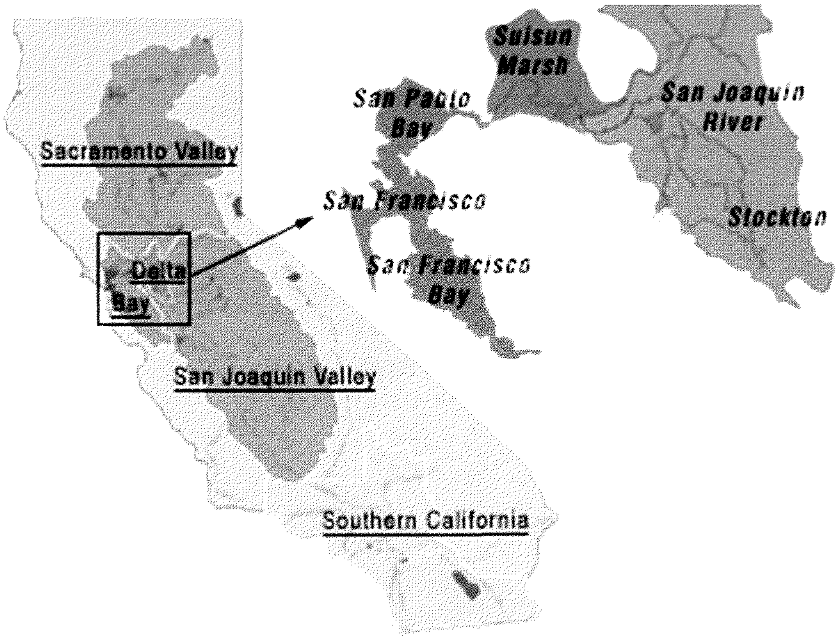
Environmentalists and fisheries organizations, who for years had fought the ever-increasing water diversions with limited success, struck gold in the early 1990s with endangered species lawsuits. Court-ordered water releases to protect dwindling wildlife, along with a drought from 1987 to 1992, nearly brought the system to a halt, according to long-time observers.

The state's exhausted water warriors appeared ready to try something new. The administrations of President Bill Clinton and then-Governor Pete Wilson struck a formal deal in 1995, which put the CALFED program in motion. CALFED moved all the state's water players to the same table and called for a coordinated plan to improve water quality and reliability as well as protect the ecosystem.

Buoyed by the exuberant economy of the 1990s, CALFED came up with an $8.6 billion wish list of projects, to be split evenly among state and federal agencies and each project's local beneficiaries. Projects would have to pass scientific litmus tests and go through a competitive grant process, a big change from the taxpayer-financed projects of years past. Participants were now considering proposals for new reservoirs at the same time as plans for farmland preservation and endangered species water releases.

CALFED in 1999 engineered an environmental water account program, which shielded farmers from periodic water system shutdowns to protect endangered species. In the program's first three years, there were

Map of the CALFED system



Source: calwater.ca.gov

Seepage from weak levees invades farmland.

> **"Every constituent group in California has horror stories about promises that weren't kept."**
>
> **— Patrick Wright, CALFED's executive director**

no emergency shutdowns, the first time this had happened since the early 1990s heyday of the endangered species lawsuits, said CALFED members.

Thanks to a 1996 infusion of $215 million in federal funds, CALFED implemented a number of ecosystem restoration and other water and land conservation programs. In 2000, the state and federal governments approved a formal list of goals, governance and projects to be reviewed for possible implementation. Proposition 50, the 2002 ballot measure that provides $3.4 billion in bonds for water improvement projects, included $825 million for CALFED. Also, last year, the state Legislature cemented its commitment to CALFED by establishing a new agency to implement organization-vetted projects.

However, federal legislation to authorize its agencies' continued participation in CALFED failed last year. Democratic U.S. Senators Dianne Feinstein and Barbara Boxer, and Representative Ken Calvert (R-Corona), last year's sponsors, have reintroduced their proposal. Passage is crucial for future federal CALFED funding, for no appropriation can come without a reauthorization of the federal government's participation.

In addition, some actions by the Bush administration raised hackles among CALFED environmental and fisheries group members:

- The Interior Department in 2002 withdrew a Clinton-era appeal of a U.S. District Court decision favorable to agricultural users, which would allow additional water to flow to farms instead of ecosystem restoration.
- Also in 2002, the Interior Department modified a management plan for the Central Valley Project to deliver substantially more water to farms and cities.
- A U.S. Bureau of Reclamation proposal to investigate water storage proposals on the upper San Joaquin River, a component of the CALFED plan, was criticized by environmentalists for its overly broad scope and its failure to identify funding sources.

The recent tensions have caused traditional suspicions and rivalries among the water world's interest groups to resurface. Patrick Wright, CALFED's executive director, termed the tension an inevitable part of the process, given the long history among the interest groups involved.

"Every constituent group in California has horror stories about promises that weren't kept. Everybody is almost possessed with the notion of balance and assurances," said Wright. "Trying to deal with that, while trying to make the system more flexible, is one of our greatest challenges."

Some key constituencies among agricultural users and environmentalists have taken an adversarial or wait-and-see position. The California Farm Bureau Federation, for example, a powerful agricultural trade group, has sued CALFED over the environmental impact statement in the 2000 state-federal agreement. A number of environmental groups have recently chosen not to participate in CALFED activities, while those that are still there appear to be growing restless.

"I think it's extremely serious, and I think there's some question whether CALFED is going to survive," said Grader, of the fishermen's association. "I wonder whether we ought to just pull the plug."

Stephen Robitaille is a freelance writer in the Bay Area. Send comments to **comments@californiajournal.com**

CALIFORNIA IN CRISIS

year's recall the budget stalemate are symptoms of a larger problem. Here are the five reasons California is in crisis.

Recall attempts and budget deficits are hardly new in California.

Three of the four previous governors have been targeted, including a 1968 charge at Governor Ronald Reagan that gained more than 550,000 signatures. And nearly a half dozen budgets have been in the red, since a 1991 gap that saw a third of the state's revenue vaporized by recession.

This year, the state faced stormy conditions once again. But instead of averting disaster, California has foundered. Government's inability to resolve its latest financial crisis has already cost millions of dollars in missed opportunities and higher borrowing costs, shaping the state's ability to address critical education and health issues for years to come. Chaos surrounding the fate of the governor has also blocked any vision for California beyond the recall date. The crisis is far from over, and the ultimate impact has yet to be measured.

"We are at a defining moment," said Assemblywoman Jenny Oropeza (D-Long Beach), chair of the Budget Committee. "The choices we are facing are really fundamental to our way of life."

How did this happen? Regardless of how the budget deficit is resolved or how the recall is decided, California has suffered a crisis that demands some explanation about its cause as well as a discussion about how to avoid it in the future.

It's also a calamity rooted entirely in Sacramento. There has not been a flood or earthquake or other natural disaster. There is no corruption scandal. And while the

This special report was prepared by a team of *California Journal* editors, writers and contributors that included Bruce Cain, director of the Institute for Governmental Studies at UC Berkeley, and his assistant, Thad Kousser; Lou Cannon, former White House reporter for the *Washington Post* and a contributing editor at *California Journal;* Daniel Borenstein, political editor of the *Contra Costa Times;* and, from *California Journal,* A.G. Block, publisher; David Lesher, editor; Jim Evans, managing editor; Rich Ehisen, associate editor; and Dagmar Thompson, art director.

economy is sputtering, it isn't to blame. This catastrophe happened while everyone was playing by the rules. Many of the rules, however, were set by an angry and disconnected electorate, trying to restrain the power of government while ignorant or suspect about the human nature behind political collaboration.

The term limits set by voters in 1990, for example, drastically changed the process of lawmaking by removing the entrenched class of career politicians and restricting their rookie replacements to six years in the Assembly or eight years in the Senate. Today, the Legislature is far more diverse in gender and ethnicity, but the critical relationships that develop over time — through confrontations and compromise — are gone. There are no personal histories between individual conservatives and liberals forged during battles past. Today, crossing the aisle is a traitorous act that party leaders have threatened to punish.

"There was a time when they knew that this kind of thermo-nuclear political war was not going to be successful," said Assemblyman Dario Frommer (D-Los Feliz). "We don't have that. It's really disintegrated. ... It's become very petty, very political."

Political peace missions have been nearly impossible since 2001 when lawmakers drew new boundaries for their political districts. The last reapportionment concentrated Republican and Democratic voters into safe districts that assure re-election for the incumbent party. Instead of the moderate lawmakers who often win politically divided districts, the Legislature today is dominated by idealogues who are rewarded for left or right politics.

So nobody in Sacramento is surprised by this crisis. The building blocks have been piling up for years, clearly evident in the multi-year gridlock over financial restructuring, long-term construction plans and health care. California has weathered deficits and unpopular politicians before. The fact that this year's hardships spiraled into disaster is considered the logical result of a government that has grown more partisan, less experienced, more manipulated and less visionary than ever before.

Interviews and research conducted for this issue of *California Journal* found wide agreement about the five primary contributors to this year's trouble. The reasons go beyond the financial conditions that led to a $38 billion deficit or the political motives of an activist group that qualified the October 7 recall election. They include the missing relationships after term limits and the hardened politics of the last reapportionment as well as the fact that California is one of only three states that require a supermajority — two-thirds of the Legislature — to approve a state budget. Of course, the ingredients also include the first gubernatorial recall to reach a ballot and the incumbent governor with the lowest popularity score in state history.

Without any one of those five ingredients — term limits, a partisan reapportionment, the two-thirds vote, a weak governor and easy recall laws — there is a strong case that disaster could have been avoided. Instead, the combination produced a noxious political cocktail.

The doomsday question is whether Governor Gray Davis is being recalled for failing to govern a state that is no longer governable. If it's any solace, experts say this moment in California history may also be an expression of the tremendous anxieties in America today, stemming from the trauma of the September 11 attacks to the criminal scandals that rocked Wall Street, the jitters about economic uncertainties, the frightening experience of a war and, in California, the unthinkable energy shortage followed by an unprecedented financial deficit. People don't distinguish their fears by city, state or federal responsibility, political consultants say. And perhaps, they continue, the California conundrum is traced to the frustration of a new, more difficult world.

History and compromise in July

In an evening appearance July 23, Secretary of State Kevin Shelley announced, "It is my duty today to certify the first recall election of a governor in California history." Shelley reported 1.6 million signatures were submitted — nearly double the number required — and 1.3 million were validated. The announcement of an election to be held Oct. 7 was widely expected, but still jarring. Four days later, the Senate broke a six-week deadlock and passed a compromise budget. The $100 billion plan, passed 27-10 with five GOP votes (Brulte, Ashburn, Johnson, Knight, McPherson), includes no new taxes, more than $10 billion in spending cuts and at least $14 billion in loans to cover a $38.2 billion deficit. Leaders denied the timing was recall-related, but the Senate action pressured the Assembly to pass the same plan or turn the budget into campaign fodder. Still, the first Assembly vote fell short, and it was uncertain whether a budget would be signed before the Aug. 9 deadline for candidates to enter the recall. With actor Arnold Schwarzenegger unlikely to join a recall bid, the GOP focused on a repeat of the 2002 primary between businessman Bill Simon and ex-LA Mayor Richard Riordan. Worried Democrats also anguished about whether to unite behind Governor Gray Davis or run an alternative.

The question for California, however, is whether this year's experience is the sign of things to come. We've already been warned that the losers of this recall may try again. And as lawmakers neared agreement on a budget compromise with heavy borrowing and no tax hikes, it's clear the state will face another significant deficit next year. There is popular support in the Capitol for a discussion about systemic reforms after the current crisis is settled. Many insiders recognize there are tangled priorities in a state that has one of the easiest rules for recalling a governor but one of the hardest thresholds for passing a budget. And there is renewed focus on the recall laws, which would remove a governor who gains 49 percent of the vote and replace him or her with a candidate who might receive less than 20 percent support.

"I would think that somebody would say, 'Let's have both sides meet and come up with some better rules for this,'" said Bob Mulholland, political director for the state Democratic Party. "Clearly, all of the faults for this are coming to bear here."

Following is a closer look at the five reasons California is in crisis.

The two-thirds vote

The most direct factor contributing to the crisis that California finds itself in is the two-thirds vote requirement to pass a budget in the Legislature. In fact, if a budget could be passed with a simple majority, the Legislature would probably pass a budget on time every year.

But for a budget to be enacted, the law requires 54 of 80 Assembly members and 27 of 40 senators to vote for it. While the Democrats hold a significant majority in both houses this session, they still need eight Republicans to cross lines to craft a budget deal.

California is one of three states — including Arkansas and Rhode Island — to have such a law.

Historically, the constitutional two-thirds requirement — which was passed by California voters in 1933 — has been a significant obstacle, but one that could be overcome by an experienced Legislature in which lawmakers on both sides could reach across the aisle. After term limits and the latest reapportionment, however, getting two-thirds is near impossible, said former Assembly Speaker Willie Brown (D-San Francisco).

"It's the 100 percent reason why we're in the mess we're in," said Brown, now in his last term as Mayor of San Francisco. "The advent of term limits and the latest reapportionment help get us here, but the two-thirds requirement for budget passage is the trigger that has the state in a crisis."

Brown and other critics argue that term limits and a partisan reapportionment are the bad medicine that made the two-thirds requirement the poison pill. The problem? Term limits took away the experience and camaraderie in the Legislature and reapportionment made lawmakers less accountable and more partisan.

"When I was in Sacramento there were always 20 percent [of legislators] who wouldn't vote for any budget, no matter what, but everybody else recognized the need for a budget, and I could deal with them," Brown said. "Now, the person who crosses the line to vote on a budget is viewed as a traitor, not as a patriot."

A good example of that might be Republican Mike Briggs, the former assemblyman from Fresno. Briggs — along with only three other Republicans in the Assembly — voted with Democrats on controversial budgets in both 2001 and 2002. The first year, Democrats rewarded Briggs for his vote by passing a tax credit that helped farmers in Briggs' district. In the second year, Briggs voted for the budget when some taxes were stripped out. When Briggs ran for Congress in 2002, he lost in the primary, and his vote on the first budget was a key reason. Assembly Speaker Herb Wesson (D-Culver City) subsequently hired Briggs to work on contract for the Assembly Democratic Caucus for $8,250-a-month. When the story got out, however, Briggs' contract was terminated.

"Once Briggs was toast, that play was no longer possible," Brown said.

Many Republicans argue that the two-thirds vote requirement keeps them involved in governing the state. Historically, Democrats have enjoyed large majorities in the Legislature — some even larger than the current 16-seat disparity in the Assembly and 10-seat gap in the Senate. The vote requirement provides an important check on that majority, said former Republican Assemblyman Bill Leonard.

"Without the two-thirds, California would be in a state fiscal crisis worse than it is," Leonard said. He said this year is particularly acrimonious in the Legislature because of the way the Democratic majority treated Republicans in the last two budget years. In both, most Republicans didn't vote for budgets.

"The minority feels like it's never consulted," Leonard said. "The Democrats are like a company that has tried to break its union, but the union succeeds — then the company still has to sit down with them."

Not all Republicans agree with Leonard's view that the two-thirds requirement restrains Democratic spending. Senator Tom McClintock (R-Thousand Oaks) said that rather than restrain spending, the requirement has increased the amount of pork in the budget because Democrats dangle pet programs in front of Republicans to entice a few to vote on a budget.

"If two-thirds was effective in restraining spending, we wouldn't have seen a 40 percent increase in spending in the past four years," McClintock said. "It makes the budget process a bidding process."

In fact, in the years leading up to the current crisis — when the state economy was booming and there were surpluses — Democratic and Republican lawmakers made deals that directly affected the size of the budget deficit today, said Jean Ross, director of the California Budget Project. Ross said that Democrats, who wanted to increase spending to pay for schools and other programs, got Republicans to agree to budgets in the late '90s by offering billions of dollars in tax cuts (like cutting the vehicle license fee and giving tax breaks to businesses). In effect, Ross said, legislators made a Faustian bargain to increase spending dramatically while lowering the revenue the state took in.

"The two-thirds deal was enacting tax cuts in exchange for increasing spending," Ross said.

While lawmakers blame each other — or the governor — for the current mess, Ross said that ultimately the two-thirds requirement allows both parties to escape responsibility for budget quagmires.

Pete Wilson. Willie Brown and Ken Maddy with the press over the budget.

"The Democrats say, 'Don't blame us, we can't pass a budget with a simple majority,' and Republicans say, 'Don't blame us, we're in the minority,'" Ross said. "What we need is to allow the majority to govern, and then if the people don't like what they are doing, they can vote them out."

That may happen. Interest groups are collecting signatures to place an initiative on the March 2004 ballot that would lower the threshold for budget passage from a two-thirds majority to 55 percent of lawmakers. According to a recent Field Poll, 45 percent of those polled oppose the idea.

For now, Sacramento lawmakers will have to make due with the existing system. That makes former Speaker Brown, who moved from office in Sacramento to San Francisco in 1996, glad he left when he did.

"I love being the residential expert," Brown said. "I got out before the rain, and I clearly don't have an umbrella."

— *Jim Evans*

Partisan reapportionment

In recent years, the philosophical gap between legislative Republicans and Democrats has widened and hardened, with the two sides having increased difficulty resolving differences over a myriad of issues, from taxes to tort reform. Partisan brawls tend to bring the Legislature to a standstill whenever a two-thirds majority is needed to approve legislation that must be passed; notably, the state budget.

One significant factor contributing to Capitol gridlock is the bipartisan redistricting adopted in 2001 and based on the 2000 Census. The vast majority of legislative and congressional districts created by that plan are so safe that most lawmakers effectively win their office in partisan primaries rather than in the general election.

Margin of victory in 2002 election

How many candidates won election by ____% of the vote?

	<10%	10-20%	20-30%	30-40%	>40%
Congress 53 Districts	1	4	11	17	20
Senate* 20 Districts	1	1	4	5	9
Assembly 80 Districts	5	7	29	16	23
Totals 153 Districts	7	12	44	38	52

* Only half of the Senate is elected each cycle.

The result is a Legislature that is ideologically polarized, said Allen Hoffenblum, a Republican consultant and co-author of "The Target Book," which tracks campaign activity in contested districts. "In primaries," he said, "hardcore liberals and hardcore conservatives dominate the selection process."

That contributes to gridlock because "a lot of what happens in legislatures these days is driven solely by ideology," said Alan Rosenthal, a professor at the Eagleton Institute of Politics at Rutgers University and a national expert on state legislatures. Republicans want to curtail government spending, and Democrats want to provide services, said Rosenthal, and "people in safe districts can indulge their ideological positions."

A consequence of the redistricting is the disappearance of the political middle — the moderate lawmakers who often provide compromise votes on contentious issues. In years past, budgets were passed when majority Democrats peeled off a few moderate Republicans willing to help reach the required two-thirds vote.

But as former Assemblyman Fred Keeley (D-Boulder Creek) noted, the new redistricting has made it very difficult to coax votes out of GOP caucuses. "Democrats get rewarded for providing services," Keeley explained. "Republicans get rewarded for cutting taxes" — a dynamic with no common ground.

The new, safe districts also change the political calculation for what it means to be at risk in an election. In competitive seats, incumbents facing challenges from the other party are wary of being considered too extreme. In safe districts, however, "extreme" can be an asset, and serious challenges are likely to come from even more ideologically dogmatic members of one's own party — a risk that keeps incumbents and candidates honing to the right or left.

As a result, Keeley said, redistricting stripped Democrats of another tool once used to pressure Republicans on the budget — pointing out the consequences of cutting services in their districts. Democrats tried that tactic this June, sending their members into solid GOP districts to warn local officials about cuts supported by their Republican representatives.

"We discovered," Keeley said, "that Republicans suffer greater consequences in their districts for tax increases than for [spending] cuts. For that kind of pressure to work, a district has to be so marginal [between the two parties] that a particular candidate can't be seen as ideological."

And these days, safe districts far outnumber competitive ones.

By defining a competitive district as one where 10 percent or less separates Democratic and Republican voter registration, the most current data from the Secretary of State's Office (February 2003) indicates that six of 53 congressional districts, four of 40 state Senate districts and 14 of 80 Assembly districts are competitive — 24 of 173 districts, or 13.9 percent.

But even that small percentage is inflated when results of the 2002 general election are considered. In that election, only one congressional and one Senate winner (of 20) had margins of victory under 10 percent. The Assembly produced five races where the victor won by less than 10 percent. That is seven close shaves in 153 contests, or 4.6 percent. Put another way, 95.4 percent of primary winners cakewalked through the general election (see chart).

The way new districts were drawn also enhanced the clout of legislative leaders when enforcing caucus discipline, a factor effectively demonstrated this past June by Senate Republican Leader Jim Brulte (R-Rancho Cucamonga). Brulte threatened to campaign — in the primary — against any GOP incumbent supporting a tax increase, a threat delivered in person to Senate and Assembly Republicans and widely reported in the media. Afterward, no Republican even hinted at support for a tax hike.

Although no Democrat so bluntly intimidated members of his or her caucus, the message still resonates, according to Hoffenblum. "Democrats don't want to face the wrath of [state Senator] Sheila Kuehl," he said, "any more than Republicans want Brulte coming into their districts and saying to their base voters, 'You sold out to Democrats.'"

Especially in nice, safe districts where the only voters who matter at all are from a legislator's own party.

— *A.G. Block*

Term limits

One thing seems certain: If anyone thought that solving a fiscal crisis would be easier after Proposition 140 took effect than it was before, today they are sorely disappointed. Term-limited legislators are no more likely to pass difficult budgets on time than their predecessors. Their "fresh" perspectives and "real world experiences" apparently succumb to partisan pressures and personal ambitions pretty quickly. California's budget process is predicated on compromise and bipartisanship, but political forces still pull in the opposite direction.

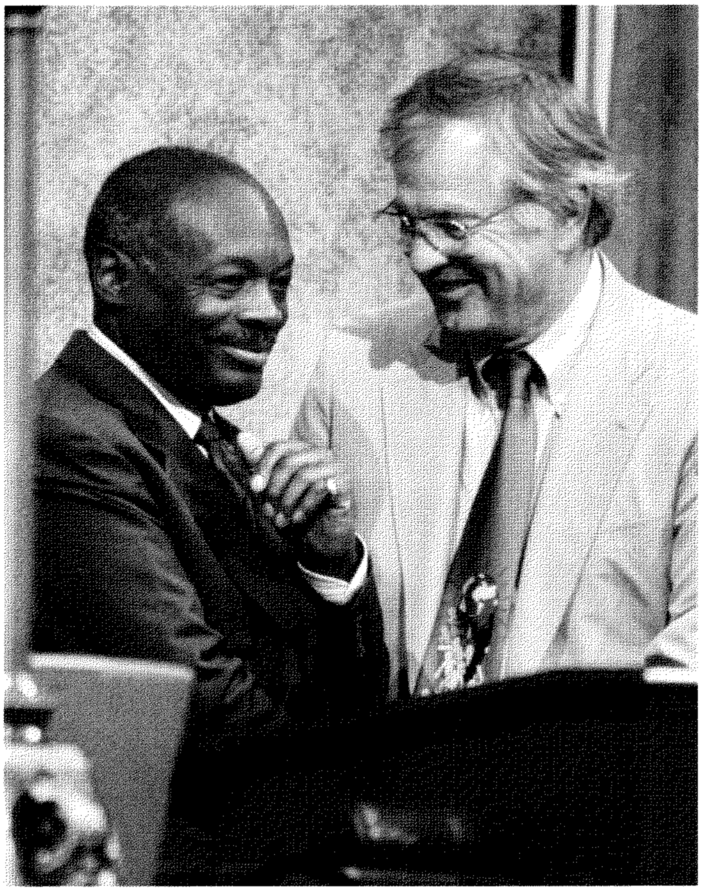
It is impossible to attribute all of the troubles that the state is having in overcoming its massive deficit to term limits, because of the many other factors discussed in this edition. Term limits, though, have left the current crop of legislators ill prepared to deal with a budget crunch compared to the veterans who faced a similar crisis a decade ago. Our studies indicate that the Legislature's collective experience level, knowledge of the budget and willingness to engage in oversight activities are way down. Since the process is more flawed than in the past, it is likely that the product will be as well.

One very dramatic difference between pre- and post-term limit legislators is the level of experience and expertise they bring to the process. In the Assembly particularly, committee chairs and staffs are often new to their positions — and sometimes new to Sacramento. The Senate benefits from the regular flow of assembly members and their staff into the upper house. This is a positive thing in the sense that the Senate's experience balances off the Assembly, but it also causes gaps in the way that the two houses see problems like budget deficits. For better or worse, some of this experience differential will disappear as the last of the pre-term limit members like Senate President pro Tem John Burton (D-San Francisco) finally term out in 2004.

This lack of experience might not matter so much if members had the incentive to learn as much as they could about the budget as fast as possible. Some do. But our interviews with experienced budget staff suggest that many members do not invest much time and effort in building the budget. Budget subcommittees theoretically offer opportunities for legislators to immerse themselves in the nitty-gritty of agency spending and policy evaluation — information that might lead to a bipartisan consensus on informed cuts when they are needed. But senior staff reported to us that new legislators, out to make names for themselves quickly, often do not take their subcommittee work seriously.

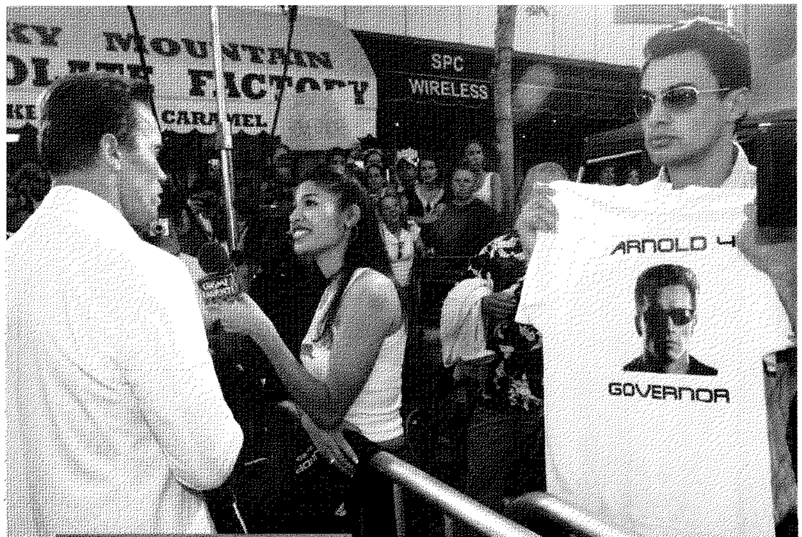
This relates to another problem: the decline in oversight activities. Good oversight allows legislators to discover whether money is being spent well, and whether programs are being implemented the way they were intended. However, digging into the details of agency behavior requires expertise and time that new members cannot afford. With only six years in the Assembly, the ambitious new member has an incentive to avoid the unglamorous work of oversight in favor of headline-catching legislation.

The inexperience of new members cannot by itself explain the remarkable partisan polarization that has made today's fiscal crisis especially difficult to solve. In part, this has occurred because term limits prevent legislators from anticipating a future in their house. This means that they have much less incentive to cooperate across party lines because there will be no time for a "go along to get along" attitude to pay off. Without a future voice in the policy that their house makes, they cannot cooperate with tax increases during a time of fiscal crisis (as Governor Pete Wilson and top Republican legislators did in the early 1990s) and then fight another day to cut back these very taxes (as Wilson and his allies did during the mid-1990s). Term limits can take away opportunities and incentives to govern responsibly.

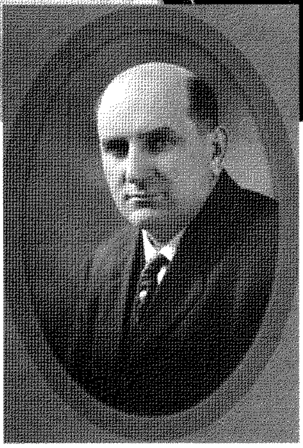


Willie Brown and Tom Bates in 1995 as Brown's term ended.

Yet the great hope of term limits was that they would lead to above-the-fray statesmanship precisely because they erased everyone's political future. Proposition 140 would send legislators back to the farms, homes and schoolhouses from which they came, thus freeing them to stand up to tyrannical party leaders and greedy interest groups in order to do what is best for California. Predictably, however, the initiative failed to create a new brand of citizen legislator. Our analysis shows that newly elected assembly members after term limits are not much different from their predecessors, other than being a bit younger and more likely to have served in a local government. They do bring new ideas and tremendous energy, but most report that it takes them a few sessions to learn how to channel their ideas into policy. By then, their term is up. Bitten by the public service bug, more than three-quarters of them decide to run for the state Senate, Congress, or another state or local office. Instead of being freed from electoral pressures by term limits, they are ever more reliant upon the favor of party leaders and campaign contributors as they



Arnold Schwarzenegger fans display "Arnold 4 Governor" T-shirts at the L.A. premiere of "Terminator 3." Reuters, Fred Prouser, 7/1/03.



North Dakota Governor Lynn Frazier is the only U.S. governor to be recalled, 1921.

seek to impress a new set of voters. Ironically, by severing the link between legislators and the constituents who know them as individuals, term limits have heightened the partisan solidarity that makes the budget standoff so intractable.

— Bruce E. Cain and Thad Kousser

Recall

The stage was set for the recall of Governor Davis when less than one of every four registered voters cast a ballot for him the day he was re-elected in 2002. "When I was asked, 'Could it be done?'" said Dave Gilliard, a Republican campaign consultant who helped lead the signature-gathering, "I said, 'This guy doesn't have support. He won because he was the lesser of two evils.'"

Across the nation, only one governor has ever been recalled. North Dakota voters removed Lynn Frazier from office in 1921. Since Californians adopted the progressive reforms of Governor Hiram Johnson in 1911, there have been plenty of opportunities to oust this state's leader. Yet none of the 31 attempts has reached the ballot.

Why now?

Call it the political "Perfect Storm," a confluence of events that has left even some Democrats convinced that Governor Davis' political career will soon end.

Blame events. The energy crisis and the state budget implosion are the leading culprits.

Blame the recall system. Most states have no provisions for a gubernatorial recall. But, of the 18 that do, California has one of the lowest qualification thresholds. It takes the signatures of just 12 percent of the vote for governor in the last election to force a statewide vote.

Blame California. In the Golden State, voters love using the ballot box to second-guess their leaders. The recall is merely a derivative of the initiative process that political consultants here love so dearly. The signature-gathering operations were already in place.

Blame money in politics. The recall drive languished until Representative Darrell Issa (R-Vista) came along with a $1.7 million jump start.

But also, blame Davis. His inability to work with the Legislature leaves him isolated in his time of need. His negative campaigns and his poor communication keep him detached from the voters of the state he leads.

Tim Hodson, executive director of the Center for California Studies at California State University, Sacramento, criticized Davis' "refusal or inability to recognize that his re-election was not a confirmation of his leadership."

One irony of the Davis recall is that the governor made it easy for his opponents. His negative campaign against Republican businessman Bill Simon not only depressed turnout in the November 2002 election to record-low levels, it also reduced the threshold for qualifying the recall.

Of more than 21 million adults eligible to vote, 15 million were registered before the November 2002 election. Only about 7.5 million voted in the governor's race and 3.5 million voted for Davis. Recall proponents needed signatures of just 12 percent of that roughly 7.5 million. The magic number was just 897,158.

Davis is a governor with little popular support and few loyalists in Sacramento. "When you get in trouble and you don't have friends to rally around you and rally to your defense, it's pretty hard to get yourself out of trouble," said Gilliard.

A worker in the L.A. Registrar's office checks petitions. Reuters, Fred Prouser, 7/22/03.

To be sure, Davis has demonstrated that one should never underestimate him. But this could be his toughest battle.

Just two and a half years ago, the Public Policy Institute of California's poll showed 62 percent of likely voters approved of his job performance. Today, it's down to 22.

In his defense, Davis is a victim of the state's increasingly partisan politics. His top political strategist, Garry South, said the governor can't get cooperation from the state Legislature because it has become dysfunctional.

Term limits produced inexperienced lawmakers most concerned about their next elective office. The state's closed primary election system that bars Democratic and Republican voters from crossing party lines creates more partisan nominees. And, perhaps most significant, the highly partisan districts created by the 2001 redistricting allow legislators to move far from the political center.

South called it the "unholy trinity of the California political system" that has made the state "ungovernable." It helps explain why Davis has had a tougher time forging alliances than his predecessors.

That's clear in the state budget. "Gray is a moderate in the middle of this discussion," said former Assemblyman Phil Isenberg (D-Sacramento). "The discussion has been very polarized."

Many have blamed the recall for making the budget negotiations tougher. Clearly, the issues are intertwined. But the relationship is complex. The recall didn't cause the stalemate, Isenberg noted. "The recall didn't get rolling until April or May. The Democrats and Republicans were locked into their [respective] positions of no cuts and no taxes from December on."

But as the recall got rolling, things changed. In May, Davis backed away from cuts he proposed four months earlier, leading critics to say he was pandering to liberal interests to save his job. And in July, after the recall election was scheduled, Democrats began to capitulate to GOP demands that a budget solution contain no new taxes.

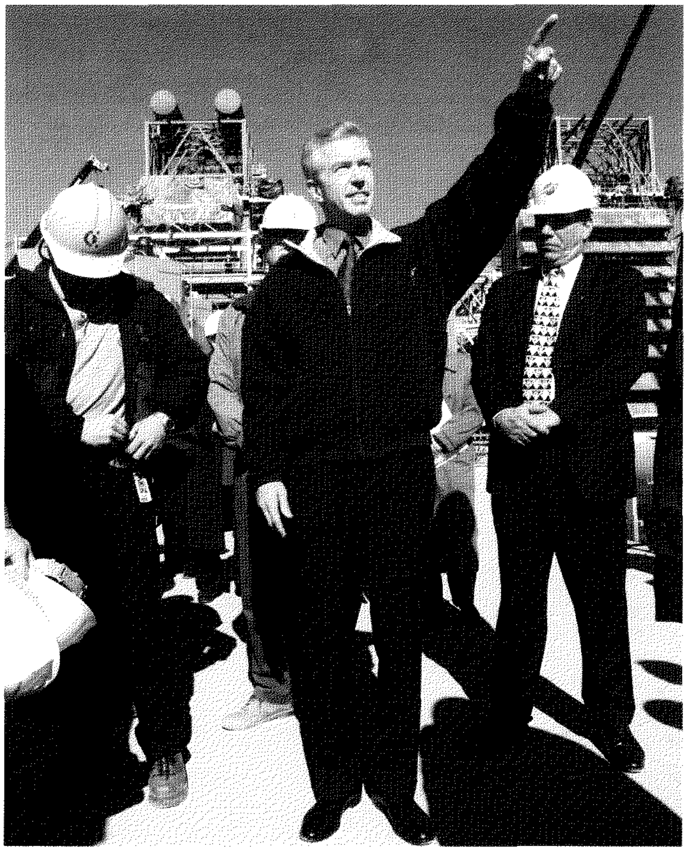
Even while some lawmakers insisted the recall and budget were unrelated, voters thought differently. A Field Poll in July showed 19 percent of likely voters said they would be less inclined to recall Davis if the state budget were satisfactorily resolved.

— *Daniel Borenstein*

A weak governor

Even with all of the contributors to the current crisis, the disaster may have been averted if the state was run today by a popular and powerful governor. Davis had that authority when he took office in 1999 following a landslide election victory and poll ratings over 60 percent. He stood up to special interests, and he persuaded reluctant Democrats to pass several controversial reforms.

But signs of unhappiness with Gray Davis were showing before he was even sworn into office. The same labor unions that went all out for his election threatened to picket the governor's inaugural because Davis declined to support their contract demands. A few weeks later, the California Teachers Association refused to endorse the governor's signature education reform plan because it included new accountability rules. Consumer groups also complained they were being shut out of meetings with the health care industry. And in April, Davis had a very public falling out with his Democratic lieutenant governor, Cruz Bustamante, over immigration issues.



Governor Davis tours an electricity plant during the power crisis, 2001.

"Our candidate, Gray Davis, seems to have forgotten how he got to the governor's mansion," said a petition signed that spring by hundreds of Democratic activists.

The early misgivings about the first Democratic governor in 16 years culminated in July when Davis complained to the *San Francisco Chronicle* that lawmakers in his party were ignoring his politically centrist direction. "It was my vision that commanded a 20-point [election] victory, the largest victory in 40 years," Davis insisted. "Nobody else in the Legislature ran statewide. Their job is to implement my vision. That is their job."

Clearly, Davis had few friends in Sacramento. But his poll ratings remained high for several years, giving him the authority to win legislative victories and to raise a record-shattering $70 million for his re-election campaign.

His support collapsed quickly, however, in 2001 when

California suffered an unfathomable energy crisis. Electricity prices soared 900 percent, and some cities experienced blackouts with no end in sight for the diasaster. National Republican operatives seized the opportunity to launch a television advertising campaign blasting Davis for the problem. Their plan worked. Davis' rating in the independent Field Poll dropped from 57 percent in January 2001 to 36 percent in May. It never recovered. Today, just more than 20 percent of the electorate approves of the job Davis is doing, the lowest rating ever recorded for a California governor.

Davis attributes his poor standing to anxieties about war, security and the economy that are affecting politicians nationwide. In interviews recently, he often notes that other politicians are equally out of favor.

"I really believe it's all about economics," Davis said in July. "Californians are in a funky mood. California is a victim of the national economy. In the early part of 2001, I had 58 percent approval ratings, and they said what they liked. ... the most was the strong economy in California. People's lives were much better off in the first two and a half years of my governorship than they are now, and the governor is just held accountable. He gets more credit than he deserves in the good times, and the reverse is true in bad times."

Davis has signed major legislation on gun control, auto emissions, health care oversight and expansion, family leave, domestic partners, student testing and teacher training, and farm worker protection. But his tenure in office has also been marked as much by crisis as by accomplishment.

The energy mess is still not resolved, but a few months after it calmed down in late 2001, the governor faced a prominent fund-raising scandal. The controversy involved a $95 million state contract with the Oracle software company that was found to be overpriced and unnecessary by the state auditor. Three aides to Davis were fired or resigned after it was disclosed that the governor's technology adviser accepted a $25,000 campaign donation shortly after the contract was signed.

The scandal fueled cynical media coverage of the governor's unprecedented fund-raising for his 2002 re-

In a bad year for states, California is the worst

California may lead the nation with the mother of all budget deficits, but it is far from the only state in tough financial straits. Fueled by the same partisan squabbling seen here, five other states — Rhode Island, Connecticut, Nevada, New Hampshire and Oregon — also missed their budget deadlines. As of mid-July, Rhode Island and Nevada passed budgets, but the song basically remained the same in the other states: Republicans holed up in one trench opposing tax increases while Democrats hunkered down to rail against cuts to social programs.

The political wrangling has at times gone to extremes, such as in Connecticut, where Republican Governor John Rowland sent state troopers to haul Democratic lawmakers back for budget negotiations. Rowland has battled for months with lawmakers over how to close a $900 million gap, with Republicans conceding to $250 million in tax hikes, but in return wanting Democrats to cut more spending. Democrats, who are in the majority in both houses, say no, and the Senate pro Tempore warned that the stalemate could go on for many more months. Rowland has since signed three "mini-budgets," to keep the state government from shutting down.

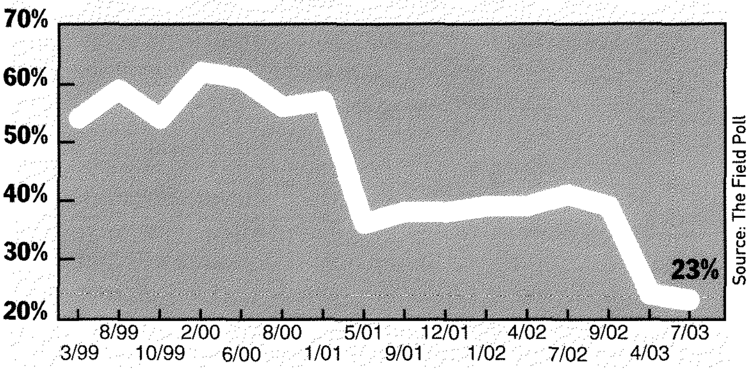
Some partisan warfare has been internal. Nevada's Republican Governor Kenny Guinn wrestled for months with his own party over raising taxes — he wanted them, and they didn't. That stance made Guinn very unpopular — so unpopular among his GOP colleagues that one leading lawmaker filed a dummy bill that called for renaming Nevada "East California" and changing the state song to the Beatles' "Taxman." Determined to end the stalemate over the education component of the budget, Guinn eventually filed a lawsuit that prompted the state Supreme Court to rule that Nevada's obligation to fund education outweighs its requirement that a two-thirds majority of the legislature approve any tax increases.

Oregon may be in the worst shape of all. California's neighbor to the north has no state sales tax, and voters have rejected such proposals nine times over the years. But with a budget gap around $500 million, a sales tax or other increases have again found their way into heated discussions. Negotiations among lawmakers were so partisan and rancorous, they were abandoned, leaving Democrat Governor Ted Kulongoski election, including stories about other state awards to Davis contributors and strong-arm tactics by the governor. The media coverage, along with criticism from political challengers, prevented Davis from running a positive campaign. Instead, the 2002 race between Davis and Republican Bill Simon turned into one of the most negative contests in recent state history. Davis outspent Simon by more than 2-to-1, but he barely won.

After the election, a humbled Davis took an aggressive posture to try and head off an obvious budget crisis on the horizon. He ordered a special session of the Legislature to convene last December, and he proposed more than $10 billion in immediate, mid-year budget cuts to reduce the shortfall.

But in a clear sign of the governor's flagging authority, lawmakers ignored the governor's plan and adjourned the special session after only a few hours. And in January, they quickly rejected most of Davis' proposal for the 2003-2004 fiscal year budget. Instead, they quickly passed an increase in the vehicle license fee that the governor had explicitly opposed. And when Davis threatened a veto in February, the confrontation devolved into an angry meeting of the Democratic caucus.

Davis approval ratings with registered voters



Source: The Field Poll

Today, insiders believe the solutions to the current crisis will be found outside of the governor's office.

"We have a governor who has not distinguished himself through collaboration," said state Senator John Vasconcellos (D-San Jose). "He's managed to alienate everyone. It's about his personality. He has experience, but his experience was getting ready to run for governor."

— David Lesher

to negotiate privately with the top Democrat and Republican leaders.

While nearly every state has faced painful budget decisions and deficits, most have managed to scrounge up budget plans this year. Compromise solutions have come in several forms, including tax and fee hikes, program cuts, creative accounting and record amounts of borrowing.

All told, 29 states either enacted or are seeking tax hikes, mostly on cigarettes and gasoline, according to the *New York Times*. Nebraska and New York, among others, raised their income and sales taxes, while Idaho, Ohio and Vermont were among those raising sales taxes.

Ohio's Governor Bob Taft, Nevada's Kenny Guinn, Alabama's Bob Riley, Georgia's Sonny Perdue, Maryland's Robert Ehrlich and Idaho's Dirk Kempthorne were among the many GOP governors who asked for — or are still seeking — tax hikes. Another Republican, Nebraska's Mike Johanns, had to draw from his state's reserve fund for the first time since it was established in 1984.

Ohio increased taxes by $3 billion, with hikes on everything from smokes to dry cleaning and car towing. Other states decided to wring dollars out of tourists, with New Jersey tacking on a 7 percent hotel tax, while Indiana went with a 6 percent tax. Alaska chimed in with 10 percent on car rentals, while Rhode Island will now charge 8 percent on restaurant meals.

Low interest rates also encouraged a few states to borrow their way into paying to play. According to *USA Today*, states collectively borrowed $224 billion during the last fiscal year, mostly from internal sources, double the total of only two years ago. Much of that was financed against $246 billion in settlement money from a tobacco lawsuit, which was earmarked for public health and anti-smoking programs.

Most states also turned to accounting gimmicks to get into the black. New Jersey, for example, shifted a $300 million June payment to schools into July, creating an instant balanced budget on paper. Another temporary panacea was the $20 billion in one-time block grants handed out by the Bush administration in May, half of which was designated for Medicare costs, easily the most ravenous dollar eater states face these days. The balance was left for states to spend however they saw fit, with most immediately throwing the money at this year's budget holes.

Balancing budgets

31 states cut spending.
29 states drew on reserve funds.
13 also tapped into rainy-day funds.
11 cut back on state workforces.
6 states expanded gaming.

Source: Nat'l Conference of State Legislators

While federal dollars helped, lawmakers are already girding for what is shaping up to be another bloody battle next year. For some, that battle might come even sooner. North Carolina, Hawaii and Georgia are already considering fall sessions after learning current tax collections are running much less than anticipated. For now the only sure thing on the horizon is that states are a long way from being out of their worst budget mess in more than 50 years.

— By Rich Ehisen

Lessons of the past

California history offers no blueprint for resolving the state's chronic fiscal predicament, but it makes a strong case that political leaders are most apt to succeed when they take risks and set aside ideology in times of crisis.

State fiscal shortfalls have been recurrent in modern California, a period dating from World War II. During that time the state suffered three major fiscal crises before 2003, all of which were resolved by bipartisan compromises that led to several years of fiscal stability. In contrast, this year's budget agreement seems to have done little more than postpone a fiscal reckoning until the next budget.

Crisis No. 1 resulted from the political decision of Democratic Governor Edmund G. (Pat) Brown to avoid a tax increase in 1966 by changing the state's accounting system so that it counted revenues when they became due instead of when they were collected. This gimmick allowed Brown to draw upon 1967 revenues to balance the budget in 1966.

Brown nonetheless lost to Republican Ronald Reagan by a million votes. Reagan loathed tax increases and had promised during the campaign to "squeeze, cut and trim" state government. But Reagan realized immediately that no amount of budget cutting could make up for the shortfall in revenues. Two days after he became governor in 1967, he embraced a tax increase, saying that he did not want to wait "until everyone forgets that we did not cause the problem — we only inherited it."

Assembly Speaker Jesse Unruh, then California's leading Democrat, welcomed Reagan's decision. He joined with the governor in supporting a package that raised tax rates on banks and corporations and made the state income structure more progressive. Unruh favored this package on its merits but also believed that Reagan's $1 billion tax bill — then the largest ever proposed by any governor of any state and equivalent to a $5.3 billion tax hike in 2003 dollars — would hurt Reagan when he sought re-election. Because the Democratic leadership of the Senate opposed property-tax relief and other features of the budget package, it took the combined pressure of Reagan and Unruh to prevail. Unruh held up passage of Senate bills; the Reagan team pressured Republican senators and also obtained support from two Democratic senators by appointing judges they wanted. The budget bill passed, and the voters, as Reagan had anticipated, blamed Brown for the tax increase.

Governor Pete Wilson in 1993.

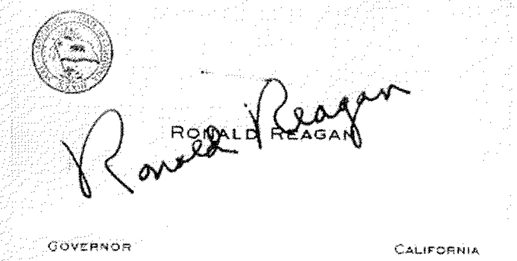
Crisis No. 2 occurred in June 1978 after voters approved Proposition 13, the radical tax-limitation initiative of Howard Jarvis and Paul Gann. Local governments faced a devastating loss of property-tax revenue, but Democratic Governor Edmund G. (Jerry) Brown and the Legislature bailed them out by giving them a sizeable chunk of the state's $5 billion in accumulated surpluses.

Brown and the Legislature had, in effect, rescued the girl they had tied to the railroad tracks. As Peter Schrag, the definitive historian of Proposition 13 observed, the initiative might have been averted if the surplus had been spent in advance on property tax relief. But the maneuver was politically successful. Brown, who had opposed Proposition 13, reinvented himself as "a born-again tax cutter" and won re-election in 1978. So did most of the legislators.

Crisis No. 3 occurred in 1991, the first year of Republican Pete Wilson's governorship. As the Cold War neared its end, the California aerospace industry imploded, producing a recession that in Los Angeles County was the worst economic downturn since the Great Depression. Wilson faced a budget deficit of more than $14 billion, equivalent to $20 billion in 2003 dollars. He closed it by budget cuts that angered Democrats and a $4 billion sales increase that infuriated the Republican minority in the Assembly.

Republicans in the Assembly were as unwilling in 1991 as they were in 2003 to support a tax increase. But Assembly Speaker Willie Brown provided Democratic votes to pass a budget he detested. Brown was particularly unhappy with the cuts Wilson made in welfare spending, which he succeeded in modifying slightly. But he said that passage of the budget was necessary to "protect the welfare of every Californian."

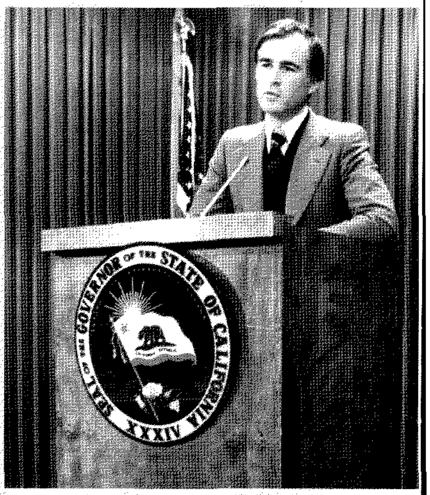
This display of political professionalism by Wilson and Brown in 1991 echoed what Reagan and Unruh did in 1967. Both Republican governors were philosophically opposed to tax increases; both Democratic speakers accepted what they believed were excessive budget cuts.


Ronald Reagan

RONALD REAGAN

GOVERNOR CALIFORNIA

Governor Reagan's business card.


Governor Jerry Brown in 1976.

Governors took the lead in resolving these earlier impasses. But all of them were more popular than Gray Davis, and none of them faced a recall election.

— *Lou Cannon*

Darrell Issa

d.c. perspective

by Dana Wilkie

There is little question that Darrell Issa is intelligent, a quick study who can discuss the complexities of energy policy as fluently as he does the intricacies of Middle East politics. Or that he is as smart about seizing an opportunity in politics as he is about snatching one in the business world.

So why, then, does it seem that his mouth so often works faster than his brain?

Darrell Issa gathers signatures.

Since deciding to lead the recall effort against Governor Gray Davis, this two-term congressman and self-made multi-millionaire has uttered one statement after another that was either contradictory, at odds with his record or baffling. On abortion, gun control, even on how committed he would be to the recall effort, Issa has said things that made him appear at best ambivalent, at worst, thoughtless and capricious. This at a time when he needs to convince California voters that he has the reliability and discipline to lead the state.

After his name surfaced last May as a potential rescuer of the recall drive — thanks to his efforts, a recall election will be held October 7 — Issa could not provide a straight answer on his campaign plans. From day to day, he gave differing statements about his financial commitment to the recall and whether he would be a candidate for governor.

Concerning finances, Issa last May told the *San Diego Union-Tribune* that he would not be the recall's chief financial backer. But as of July, most of the money that Issa's Rescue California committee had raised — $1.7 million of it — came from Issa. The congressman now explains that getting money to collect the necessary signatures proved more difficult than expected.

As reporters pressed him this summer on issues, Issa gave confusing and conflicting remarks. On abortion, his long record shows that he opposes it except in cases of rape, incest and the life of the mother, that he supports parental consent for minors seeking abortions, and that he opposes federal funding for abortions. But in June, he expressed sudden ambivalence, claiming to be "torn on how to protect women from having no choice, while at the same time wanting there to be respect for the well-being of children that may be brought into the world."

Issa's public remarks and voting record also indicate that he opposes gun controls. Among other things, he's against the federal assault-weapons ban set to expire next year. So it was surprising when he told the *Los Angeles Times* in mid-June that he would support a Senate plan to extend the assault-weapons ban for another decade. He followed with a rationale that surely must have knit many a brow: "If we were to undo it," he told the *Times*, "it would simply make it more of a failure."

An attempt to broaden his appeal to moderates? Perhaps, but a week later, Issa told this reporter that he would view an extension skeptically "in light of my present belief that [the ban] has been a complete failure."

Before the Secretary of State in July certified the recall election, Issa was asked if he would run for his House seat if the recall election had been scheduled for the regular March ballot. Replied Issa, "If I fail to get to the numbers [of signatures] by the deadline for an election this fall, I shouldn't be a candidate for governor because I staked my personal, business and political reputation on believing I could get this done in a timely fashion."

Issa, like other Republicans, did not want to hold a recall election during a presidential primary that would lure Democrats to the polls. He clearly seemed to be saying that if he couldn't collect enough signatures to force a fall election, he would back out of the effort.

"If we didn't get to the [needed] signatures by August… I don't think I'd be a candidate," Issa said when asked if this was his plan.

Surprisingly, Issa then asked to rephrase his answer: Yes, he would push for a recall in March should it not qualify for the fall, he said. And yes, he would remain a candidate.

If Issa is not careful, these are the sorts of statements that state Democrats will gladly use to paint Issa a rudderless opportunist who cannot remember where he stood 60 seconds ago, much less where he stands on issues critical to voters.

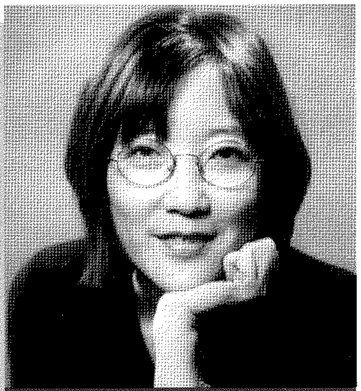
Issa is quickly learning that when one runs for the highest office in the nation's most populous state, every word is parsed, every voting record dissected and every financial record combed. In a congressional campaign, a misstep or misstatement reverberates only so far. In a governor's race, the reverberations echo far and long.

Contributing Editor Dana Wilkie is a Washington, D.C., correspondent for Copley News Service. Send comments to **comments@californiajournal.com**

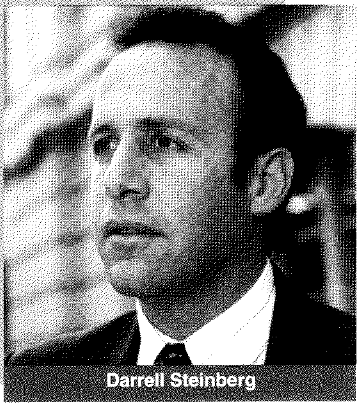
Rebuke:

Ross-proofing the Legislature

Every so often an event happens in the process of governing that gives outsiders a chance to see what happens behind the scenes. One such instance bubbled to the surface during the first week in June, when uber-consultant Richie Ross got himself into hot water and forced ally Speaker Herb Wesson to take measures to deal with it. Ross, a consultant to many Democratic legislators and also a lobbyist for assorted state interests, apparently threatened political retaliation against two Assembly Democrats who would not vote for a bill—AB 923—that would take $80 million in agricultural tax breaks and apply them to health insurance for some farm workers. One of Ross' lobbying clients is the United Farm Workers. With Assembly Democrats outraged, according to a story in the *Los Angeles Times*, Wesson told them that he would investigate and rebuke Ross. Still, some members are considering legislation to ban consultants from lobbying. And Wesson created a "special committee on protocol," which would look at Assembly rules governing lobbyists. To the task force he named Democratic Assms. **Wilma Chan, Mark Ridley-Thomas, Ellen Corbett, Joe Nation** and **Darrell Steinberg**.



Wilma Chan



Darrell Steinberg

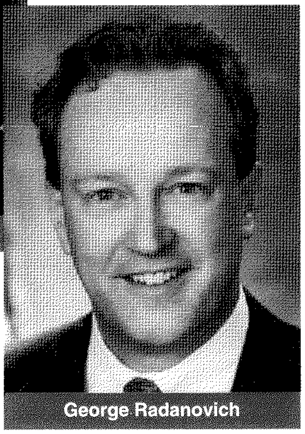
Government

Lynn Montgomery, director of the Speaker's Office of Member Services, has left the Assembly to work for former boss Lt. Gov. Cruz Bustamante. Bustamante appointed Montgomery to SOMS when he was speaker. **Trent Hager**, who currently works in Speaker Herb Wesson's office, will replace Montgomery. Hager previously headed the Capitol office of former Assm. Dennis Cardoza. ... **Michael Bustamante,** deputy chief of staff to Gov. Gray Davis, took a leave from the governor's office to work against the campaign to recall Davis. ... **Doug Stone**, a former communications director for Sen. Jack Scott, is now a communications official with the office of Sec. of State Kevin Shelley. ... Speaker Wesson appointed Republican Assm. **Bonnie Garcia** to two select committees: the select committee on Air and Water Quality and the select committee on Prison Construction and Operations. ... Treasurer Phil Angelides has hired **Jordan Rasmussen** to be his director of public liaison. Rasmussen was assistant press sec. for Gov. Gray Davis. ... Republican Sen. Jeff Denham hired **Louise Farley**, of Merced, as an administrative assistant. Farley most recently worked for Democratic U.S. Rep. Gary Condit. ... Republican Sen. **Jim Battin** was appointed to the new Select Committee on Fiscal Restructuring.

Bonnie Garcia

Campaign Watch

Republican U.S. Rep. **George Radanovich** said he wouldn't run against Democratic Sen. Barbara Boxer in 2004. Radanovich is the second member of Congress rumored to be gunning for Boxer who has backed off — Republican **Doug Ose**, who was expected to run for the seat, also decided not to challenge Boxer. Former Republican U.S. Treasurer **Rosario Marin** opened an exploratory committee to run for U.S. Senate against Boxer in 2004. Marin formerly worked for ex-Gov. Pete Wilson. ... Republican **Yolanda Knaak**, who was a write-in candidate against Democrat Deborah Ortiz for state Senate in 2002, has filed with the Sec. of State to run in



George Radanovich

AD 5, which is currently held by termed-out-in-'04 Min. Leader Dave Cox. Also running for the seat is Republican **Roger Niello**, who sits on the Sacramento County Bd. of Supervisors. ... Two candidates have opened campaign committees for AD 35, currently held by the termed-out Democrat Hanna-Beth Jackson. **Pedro Nava** of the CA Coastal Commission and Republican **Bob Pohl**, who lost to Jackson in 2002, have both filed for the seat. ... Three Republicans have opened campaign committees to run for AD 73, currently held by termed-out Republican Patricia Bates. The three are: **Jim Gibson**, of the Vista Unified School District Bd., Laguna Niguel Councilwoman **Mimi Walters** and **Thomas Wilson**, of the Orange County Bd. of Supervisors. ... Two Democrats are raising funds to take on incumbent Republican George Plescia in AD 75 (San Diego). Local attorney **Karen Heumann** and **Sabrina Coble**, a member of the bd. of directors of a La Jolla charter school, have opened campaign committees. ... Democratic Sen. **Richard Alarcon** has opened a campaign committee to run in AD 36 in 2006. His move sets up a possible confrontation with Republican **Sharon Runner**, who currently holds the seat and isn't termed out until 2008. ... Add Democratic Bd. of Equalization member **John Chiang's** name to those who have opened committees to run for treasurer in 2006. Chiang joins fellow board member **Claude Parrish** (R), former Sen. **Jim Costa** (D) and current Sen. **Dean Florez** (D) in the race. ... **Chris Woods**, chief consultant to the Assm. Budget Comm. is running for the 3rd District seat on the Sacramento County Bd. of Supervisors, as is **Chris Tooker**, who currently is a policy adviser to CA Energy Commissioner John Geesman.

Richard Alarcon

Lobbying and PR

Bruce Houdesheldt has joined the CA Building Industry Assn. as a lobbyist. Houdesheldt was formerly director of government affairs for the Building Industry Association of Superior California. ... **Lori Kammerer**, former president and chief executive of the CA Coalition on Workers' Compensation, has started her own firm, Kammerer & Co. ... **Maurice Ayala**, son of former Sen. Ruben Ayala (D-Chino) and one-time candidate for the Assembly, has started a lobbying firm called Ayala & Associates. ... The Anti-Defamation League has set up shop in Sacramento and hired **Amy Blumberg** to be its legislative affairs director. Blumberg formerly worked as a consultant to the Senate Democratic caucus. ... Former United Farm Workers lobbyist **Michael Moreno** has joined AARP as a lobbyist. ... **Aimee Scribner**, ex-spokesperson for former Assm. and now Sec. of Education Kerry Mazzoni, has started her own lobby firm. ... **Kathryn Austin Scott**, formerly of Scott Consulting, has joined Foley & Lardner. ... **Sandi Polka**, formerly Sen. pro Tem. John Burton's consultant on elections and reapportionment, has started her own consulting firm. ... The Alliance of Automobile Manufacturers has named **Eloy Garcia**, formerly a lobbyist with Kahl/Pownall Advocates, their new director of CA affairs.

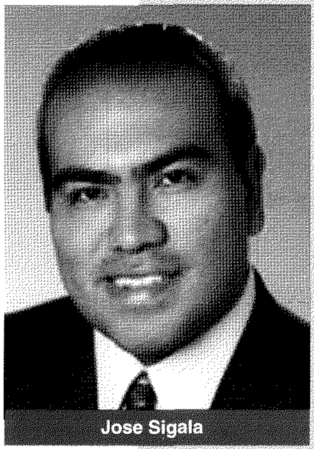
Other

Gov. Davis reappointed **Christopher H. Cunnie** and **Sid C. Stolper** as members of the Narcotic Addict Evaluation Authority. ... The governor appointed **James Bartell** and **Susan Hector** to the San Diego River Conservancy Governing Bd. Bartell is a Sr. VP at public affairs firm Porter Novelli, and Hector is the principal manager for Susan Hector Consulting. ... **Jose Huizar** was elected president of the LA Bd. of Education for the 2003-2004 school year. Huizar, who was elected to the board in 2001, is a land use attorney. ... Former *LA Times* city editor **Bill Boyarsky** was appointed to the LA Ethics Commission for a five-year term. The appointment requires LA City Council confirmation.

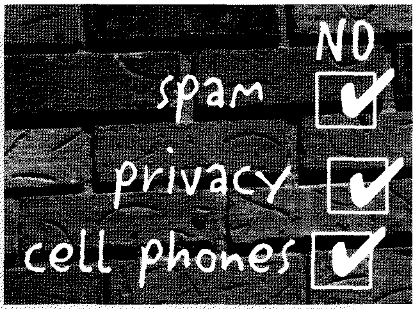
Who's filling what jobs in your office? Drop us a line at **people@californiajournal.com.**

Lobbying:

Sigala on his own


Jose Sigala

Jose Sigala isn't new to the Capitol. He started as an aide to former Democrat Sen. Gary Hart. He then became a field deputy for current Assm. Marco Firebaugh. After a brief detour into electoral politics — Sigala ran in the primary and lost for Los Angeles School Board in March 2003 — he's back doing business in Sacramento with his own lobbying firm, Baca Sigala Advocates.



High profile bills bite the dust

When bills in the Assembly and Senate passed out of their house of origin in early June, some easily passed through the other chamber and some ran into brick walls. The latter fate claimed three high profile measures that had corporate interests fighting like mad to stop. One, Jackie Speier's SB 1, which would have required a bank or insurance company to offer consumers the option to not have their personal information shared, died in the Assembly Banking and Finance Committee. Another bill, Sen. Debra Bowen's SB 12, which would have allowed a consumer to sue email spammers for $500 per email, was dumped in the Assembly Business and Professions Committee in favor of a more industry-favorable bill that would only allow consumers to sue for actual damages. A third high profile measure to die was Assm. Joe Simitian's AB 45, which would have outlawed using a cellular phone while driving unless operated with a hands-free device. Simitian's bill died in Senate Transportation when the chair — Sen. Kevin Murray — forced a hostile amendment on the bill and would not allow a vote on the measure as offered. Here's a look at bills that made it to the governor's desk.

Senate

AB 167 (Harman) Probate changes: Makes technical changes to various provisions of the probate code including how funds are distributed to omitted descendants in a will. Passed 37-0. *Approved by governor.*

AB 353 (Montanez) Foster children: Allows courts to consider a parent's sexual abuse of one of his or her biological or foster children as legal grounds for denying state reunification services with the parent's other children. Passed 37-0. *Approved by governor.*

AB 399 (Wyland) World War II instruction: Eliminates the requirement that grades 7-12 study World War II and the American role in that war. Passed 37-0. *Approved by governor.*

AB 478 (Ridley-Thomas) Abandoned cars: Gives owners of abandoned cars 15 days to move them (after notice) before a city can dispose of them. Also increases the maximum dollar value of a vehicle that may qualify for disposal. Passed 24-5.

AB 525 (Cohn) Hearing aids: Requires that recommendations of a child's need for a hearing aid be made by a state licensed audiologist. Passed 24-3.

AB 799 (S. Horton) Aging agencies: Allows state aging agencies to continue contracting with

SENATE (25 D, 15R)	AB 167	AB 353	AB 399	AB 478	AB 525	AB 799	AB 1228	AB 1411
Aanestad (R)	Y	Y	Y	Y	Y	Y	Y	Y
Ackerman (R)	Y	Y	Y	*	*	Y	Y	Y
Alarcon (D)	Y	Y	Y	Y	Y	Y	Y	Y
Alpert (D)	Y	Y	Y	Y	Y	Y	Y	Y
Ashburn (R)	Y	Y	Y	*	*	Y	Y	Y
Battin (R)	Y	Y	Y	*	*	Y	Y	Y
Bowen (D)	Y	Y	Y	Y	Y	Y	Y	Y
Brulte (R)	Y	Y	Y	N	Y	Y	Y	Y
Burton (D)	Y	Y	Y	Y	Y	Y	Y	Y
Cedillo (D)	Y	Y	Y	Y	Y	Y	Y	Y
Chesbro (D)	Y	Y	Y	Y	Y	Y	Y	Y
Denham (R)	Y	Y	Y	Y	Y	Y	Y	Y
Ducheny (D)	Y	Y	Y	Y	Y	Y	Y	Y
Dunn (D)	Y	Y	Y	Y	Y	Y	Y	Y
Escutia (D)	Y	Y	Y	Y	Y	Y	Y	Y
Figueroa (D)	*	*	*	Y	*	*	Y	*
Florez (D)	*	*	*	*	*	*	Y	*
Hollingsworth (R)	Y	Y	Y	N	N	Y	Y	Y
Johnson (R)	Y	Y	Y	*	*	Y	Y	Y
Karnette (D)	Y	Y	Y	Y	Y	Y	Y	Y
Knight (R)	Y	Y	Y	N	*	Y	Y	Y
Kuehl (D)	Y	Y	Y	Y	Y	Y	Y	Y
Machado (D)	Y	Y	Y	*	*	Y	Y	Y
Margett (R)	Y	Y	Y	Y	*	Y	Y	Y
McClintock (R)	Y	Y	Y	N	N	Y	Y	Y
McPherson (R)	Y	Y	Y	Y	Y	Y	Y	Y
Morrow (R)	Y	Y	Y	*	*	Y	*	Y
Murray (D)	*	*	*	*	*	*	Y	*
Oller (R)	Y	Y	Y	N	N	Y	Y	Y
Ortiz (D)	Y	Y	Y	Y	Y	Y	Y	Y
Perata (D)	Y	Y	Y	Y	Y	Y	Y	Y
Poochigian (R)	Y	Y	Y	Y	Y	Y	Y	Y
Romero (D)	Y	Y	Y	Y	Y	Y	Y	Y
Scott (D)	Y	Y	Y	Y	Y	Y	Y	Y
Sher (D)	Y	Y	Y	*	*	Y	Y	Y
Soto (D)	Y	Y	Y	Y	Y	Y	Y	Y
Speier (D)	Y	Y	Y	*	*	Y	*	Y
Torlakson (D)	Y	Y	Y	Y	Y	Y	Y	Y
Vasconcellos (D)	Y	Y	Y	*	*	Y	Y	Y
Vincent (D)	Y	Y	Y	Y	Y	Y	Y	Y

VOTER RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-July. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y - Yes   N - No
*** - Absent or not voting**

A 2/3 vote is required for urgency measures, constitutional amendments and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (2/3 = 54 votes)

Senate: 21 votes required for passage of bills needing a simple vote majority. (2/3 = 27 votes) service providers affiliated with certain state aging programs without using the competitive bidding process. Passed 37-0. *Vetoed by governor.*

AB 1228 (Dutton) Ham radios: Requires cities and counties to make a reasonable effort to accommodate amateur (ham) radio antennas. Passed 38-0.

AB 1411 (Wolk) Hazing: Expands the definition of hazing to include any initiation into a student body that poses an emotional or physical danger and adds hazing to the list of suspendable offenses. Passed 37-0. *Approved by governor.*

Assembly

SB 45 (Vincent) Retired teachers: Exempts retired teachers from passing the California Basic Education Skills Test when being considered for employment by a school district if the teacher has taught for at least 15 years and has met other specified requirements. Passed 61-17. *Vetoed by governor.*

SB 110 (Margett) Public contracts: Authorizes public agencies that order supplies to specify a product or brand without putting the bid up to competition under certain circumstances. Passed 72-1.

SB 155 (Scott) Conflict of interest: Allows former employees of businesses that have contracts with public agencies to work for the public agencies and administer the contracts if the former employee has only a "remote interest" in the company. Passed 46-24.

SB 158 (Alarcon) Public transit workers: Establishes a bidding preference for public transit service contractors and subcontractors who agree to retain employees of the previous contractor or subcontractor. Passed 46-28.

SB 450 (Poochigian) Kidnapping: Defines the force required to kidnap an unresisting infant as that "required to take and carry the child away a substantial distance for an illegal purpose or with an illegal intent." Passed 78-0. *Approved by governor.*

SB 932 (Bowen) Health facilities: Prohibits the sale, transfer or lease of a health facility owned by a nonprofit corporation if the seller restricts the type or level of medical services that may be provided at the facility. Passed 47-29.

SB 818 (Escutia) Court interpreters: Makes technical changes to the Trial Court Interpreter Employment and Labor Relations Act, such has extending the deadline for the conversion of court interpreters from contractors to employees. Passed 67-2.

ASSEMBLY (48D, 32R)	SB 45	SB 110	SB 155	SB 158	SB 450	SB 932	SB 818
Aghazarian (R)	Y	Y	N	N	Y	N	Y
Bates (R)	N	Y	N	N	Y	N	Y
Benoit (R)	N	Y	*	N	Y	N	Y
Berg (D)	Y	Y	Y	Y	Y	Y	Y
Bermudez (D)	Y	Y	Y	Y	Y	Y	Y
Bogh (R)	N	Y	N	N	Y	N	Y
Calderon (D)	Y	Y	Y	Y	Y	Y	Y
Campbell (R)	N	Y	N	N	Y	N	Y
Canciamilla (D)	Y	Y	*	Y	Y	Y	Y
Chan (D)	Y	Y	Y	Y	Y	Y	Y
Chavez (D)	Y	Y	Y	Y	Y	Y	Y
Chu (D)	Y	Y	Y	Y	Y	Y	Y
Cogdill (R)	N	Y	*	N	Y	N	Y
Cohn (D)	Y	Y	Y	Y	Y	Y	Y
Corbett (D)	Y	Y	Y	Y	Y	Y	Y
Correa (D)	Y	Y	Y	Y	Y	Y	Y
Cox (R)	N	Y	N	N	Y	N	Y
Daucher (R)	Y	Y	Y	N	Y	*	Y
Diaz (D)	Y	Y	Y	*	Y	Y	Y
Dutra (D)	Y	Y	Y	Y	Y	Y	Y
Dutton (R)	Y	Y	N	N	Y	N	Y
Dymally (D)	Y	*	Y	Y	Y	Y	*
Firebaugh (D)	*	*	*	*	*	*	*
Frommer (D)	Y	Y	*	Y	Y	Y	Y
Garcia (R)	Y	Y	*	N	Y	N	Y
Goldberg (D)	Y	N	Y	Y	Y	Y	Y
Hancock (D)	Y	Y	Y	Y	Y	Y	Y
Harman (R)	N	Y	N	N	Y	N	Y
Haynes (R)	N	Y	N		N	Y	N *
Horton (D)	Y	Y	Y	Y	Y	Y	Y
Horton (R)	Y	*	*	*	Y	N	*
Houston (R)	Y	Y	Y	*	Y	*	Y
Jackson (D)	Y	Y	*	Y	Y	Y	Y
Keene (R)	N	*	N	N	Y	N	*
Kehoe (D)	Y	Y	Y	Y	Y	Y	Y
Koretz (D)	Y	Y	Y	Y	Y	Y	Y
La Malfa (R)	N	Y	N	N	Y	N	Y
La Suer (R)	Y	Y	N	N	Y	N	Y
Laird (D)	Y	Y	Y	Y	Y	Y	Y
Leno (D)	Y	Y	Y	Y	Y	Y	Y
Leslie (R)	N	Y	N	N	Y	N	Y
Levine (D)	Y	Y	Y	Y	Y	Y	Y
Lieber (D)	Y	Y	Y	Y	Y	Y	Y
Liu (D)	Y	Y	Y	Y	Y	Y	Y
Longville (D)	Y	Y	Y	Y	Y	Y	Y
Lowenthal (D)	Y	Y	Y	Y	Y	Y	Y
Maddox (R)	*	Y	N	Y	*	N	Y
Maldonado (R)	Y	Y	N	N	Y	N	Y
Matthews (D)	Y	Y	Y	Y	Y	Y	Y
Maze (R)	Y	Y	N	N	Y	N	Y
McCarthy (R)	N	Y	N	N	Y	N	*
Montanez (D)	Y	Y	Y	Y	Y	Y	Y
Mountjoy (R)	N	Y	N	N	Y	N	Y
Mullin (D)	Y	Y	Y	Y	Y	Y	Y
Nakanishi (R)	Y	Y	*	N	Y	N	Y
Nakano (D)	Y	Y	Y	Y	Y	Y	Y
Nation (D)	Y	Y	Y	Y	Y	Y	Y
Negrete McLeod (D)	Y	Y	Y	Y	Y	Y	Y
Nunez (D)	Y	Y	Y	Y	Y	Y	Y
Oropeza (D)	Y	Y	Y	Y	Y	Y	Y
Pacheco (R)	Y	Y	N	N	Y	N	Y
Parra (D)	Y	Y	Y	Y	Y	Y	Y
Pavley (D)	Y	Y	Y	Y	Y	Y	Y
Plescia (R)	N	Y	N	N	Y	N	Y
Reyes (D)	Y	Y	Y	Y	Y	Y	Y
Richman (R)	Y	Y	Y	Y	Y	Y	Y
Ridley-Thomas (D)	Y	*	Y	Y	Y	Y	*
Runner (R)	N	Y	N	N	Y	N	N
Salinas (D)	Y	Y	Y	Y	Y	Y	Y
Samuelian (R)	Y	Y	N	N	Y	N	*
Simitian (D)	Y	*	*	Y	Y	Y	*
Spitzer (R)	Y	Y	N	*	Y	N	Y
Steinberg (D)	Y	Y	Y	*	Y	*	Y
Strickland (R)	N	Y	N	N	Y	N	Y
Vargas (D)	Y	Y	Y	Y	Y	Y	Y
Wesson (D)	Y	Y	Y	Y	Y	Y	Y
Wiggins (D)	Y	Y	Y	Y	Y	Y	*
Wolk (D)	Y	Y	Y	Y	Y	Y	Y
Wyland (R)	N	*	N	N	Y	N	*
Yee (D)	Y	Y	Y	Y	Y	Y	Y

CHARTER SCHOOLS IN

Do charter schools offer a better model for public education? Do they really outperform regular schools? Or does their success depend on self-selected student bodies, an ability to operate outside the normal rules, and the ability of their management and leadership teams?

By Scott Duke Harris

Mark Kushner figures he's got a good product to pitch.

As the founder and first principal of Leadership High School in San Francisco, which in 1997 became the state's first charter secondary school to start from scratch, Kushner boasts that 98.5 percent of Leadership's graduates have gone on to college, with a solid majority in four-year universities. This is especially impressive from a school that recruits most of its students from low-income, minority communities. On the state's Academic Performance Index, Leadership scored a strong 8 out of 10 among all high schools in the school years ending in 2001 and 2002. Among its demographic peers, it scored 10 of 10 in 2001 and 9 of 10 in 2002.

Now, Leadership Public Schools, another nonprofit startup led by Kushner, hopes to replicate the original's success in other communities. The reception, however, has not been entirely enthusiastic. A new Leadership High, independent of the first, is opening this fall across the Bay in working-class Richmond, where officials offered their blessing but refused to allow recruitment on school campuses. The response was much worse at San Jose's Eastside Union High School District. Officials in the predominantly Latino, working-class district, citing budgetary concerns, rejected Leadership's application in February — a decision that Kushner is appealing to the Santa Clara County Board of Education. If rejected at the county level, Kushner could also appeal to the state Board of Education, where he knows he has allies: Kushner was appointed by the board to the California Advisory Commission on Charter Schools.

Little wonder then that Kushner, who left a lucrative law practice to pursue his dreams in education, is confident that he'll bring the Leadership's novel brand of schooling to San Jose, Oakland and San Rafael within the next two years. But the resistance, he says, illustrates the growing pains faced by California's charter movement, which has grown dramatically but earned mixed grades since the 1992 law that authorized the creation of these quasi-autonomous public schools. California's charter school universe now has more than 160,000 students attending 436 schools, with a wide range of missions and management modes. Seventy percent are startups, and the rest are conversions of existing public schools. Some campuses shine like supernovas, but there also are black holes, with API scores of 1 out of 10 among their peers.

Kushner figures that when educators such as himself encounter rejection, even when they

UNCHARTED WATERS

Leadership High's first graduating class (2001) on retreat in 1997. Photos courtesy of Leadership High and Richard Cohn.

can amply quantify their success, it's clear that the charter cause is at a crossroads full of potholes.

"Districts are starting to deny charters even to those who are qualified because there's no penalty for denying them," Kushner says. For the charter movement, he adds, "The honeymoon's over. And now we have the hard work of making the marriage work."

Blending missionary idealism and CEO pragmatism, the 42-year-old Kushner finds himself in a key role in guiding the charter movement's agenda. His operation is considered a role model, and as chairman of the advisory commission, he interacts with the state Board of Education, recommending funding determinations for non-classroom-based charter schools. He was invited to take the post by board chairman Reed Hastings, a Silicon Valley entrepreneur who is a chief architect of the state's charter school movement.

No honeymoon

Not everyone agrees the charter movement ever had a honeymoon, but years have now passed since charters first became the darling child of reform. These schools are the work of an extraordinary coalition of strange bedfellows, from grass-roots activists living on meager incomes to big-city mayors and billionaires. Alarmed by how, in a generation, California public education went from one of the

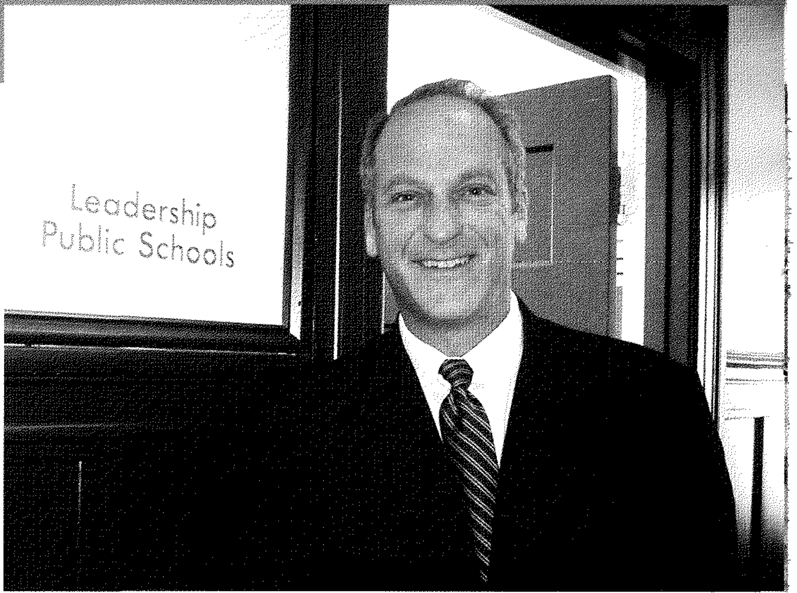
"THE HONEYMOON'S OVER. AND NOW

nation's top systems to one of its worst, these activists — who either opposed the voucher movement or considered it politically unfeasible — rallied around the concept of semi-autonomous schools as a way to empower communities and bring innovation and energy to a hidebound education establishment. Supporters believed schools could improve dramatically if they did their own hiring and were liberated from a matrix of rules as thick as the federal tax code.

A Rand Corporation study released in 2003 found that, collectively, charter schools are performing as well as traditional public schools while operating on smaller budgets. The Rand report was hailed by most observers as a thumbs-up for charters, but skeptics still ask: If charter schools are so dandy, why don't they outperform the public schools that are supposedly so bad, instead of merely keeping pace?

Observers such as University of California, Berkeley, education professor Bruce Fuller, director of Policy Analysis for California Education (PACE) and a self-described "member of the loyal opposition," warn about hype that accompanies the high hopes and say academic performance at many charter schools has proven difficult to judge. Mainstream schools take in everybody, Fuller points out, while charters draw from a self-selected group. This process, he says, may amount to "a highly efficient sorting machine" that moves children from motivated families and may be more likely to succeed from the mainstream school to the charter. This raises conjecture that the exodus to charter schools will hurt the performance of the mainstream schools. To date, Fuller says, there is no data that proves or disproves this notion.

Questions about charters arise in a deeply contentious political environment. At the extremes, ideologues on the left fret that charters are a step toward vouchers and ultimately the privatization of education, a fond dream of market-worshiping libertarians on the right. The California Teachers Association, some say, is in something of a quandary. Many teachers want the academic freedom promised by charter schools, but the proliferation also threatens collective bargaining and the union's political influence. Officially, the CTA says it supports charters, yet it also backs restrictions that people like Kushner abhor. The CTA is especially critical of the number of non-credentialed teachers in charter schools. PACE, a collaborative venture of the schools of education of UC Berkeley and Stanford University, reported in April that 48 percent of teachers in charter schools lack a teaching certificate, compared to 9 percent in a typical public school. This drew told-you-so's from the teachers and howls of protest from charter advocates, who pointed out the baseline data was three years old.



Mark Kushner, founder and first principal of Leadership High.

Image and reality

The phrase "charter school" may conjure visions of mom-and-and-pop alternative schools championed by grass-roots activists, but that is an incomplete image. Kushner moves between the grass-roots world and a network of high-powered charter advocates exemplified by Hastings, who made a fortune in software before founding the popular NetFlix DVD subscription service and crafting California charter policy. The high-end supporters also include other Silicon Valley tycoons, Wal-Mart heir John Walton and more recently the Bill & Melinda Gates Foundation. Several have come together in the San Francisco-based New Schools Venture Fund, a philanthropic group that applies the hands-on methods of venture capitalists to both for-profit and nonprofit educational operations, including Kushner's, providing money, consultation and oversight. As capitalists, they share a faith that competition represented by charter schools will make public education better.

Kushner has emerged as an advocate for two bills that, he says, will eliminate flaws in California's charter policy by weeding out low-performing charters and extending administrative authorization and oversight beyond school districts to include institutions such as universities, big city mayors and non-profit institutions.

The first order of business is AB 1137, introduced by Sarah Reyes (D-Fresno), a frequent charter school critic. Reyes' bill — sponsored by EdVoice, a coalition led by former Democratic Assemblyman Ted Lempert of Palo Alto

WE HAVE THE HARD WORK OF MAKING THE MARRIAGE WORK" — Mark Kushner

and backed by Hastings, Walton, venture capitalist John Doerr and others — would restore some flexibility to charter schools while weeding out poorly performing schools by strengthening accountability standards. The law would require charter schools facing renewal reviews be closed unless they meet one minimum performance criteria, including API scores of at least 4 among all schools, 4 on similar-schools rankings, or having met their growth targets. The law would allow for appeals and for some exceptions, such as schools designed for dropout recovery programs. The bill would restore categorical funding — for textbooks, instructional materials and staff development — allowing the school to decide how best to spend the money. Legislators, charter advocates complain, have been chipping at their power since the 1992 law was adopted, and this would restore some flexibility and budget certainty.

The CTA, as of this writing, opposed the Reyes bill, but insiders say proposed amendments could lead to a neutral stance. One union analyst suggested that "accountability" promises are little more than illusory enticements to help charters secure more funds in tight times. But the Reyes bill also has alarmed some charter advocates who argue that the standard is too high, may fail to reward an improving track record and may punish popular schools with virtues that elude the API. Some charter advocates say the law could close charter schools and ultimately send students back to mainstream schools that are performing even worse. That's a legitimate concern, Kushner says, "but I'd rather close them down and have a stronger charter school come in."

The second bill is AB 1464, introduced by Patricia C. Bates (R-Laguna Niguel) and sponsored by the California Network of Educational Charters. The Bates bill, which confronts a larger issue, is proving a tougher sell and won't face a vote until next year. As currently written, the measure would allow public and private colleges and universities, mayors of cities with a population exceeding 250,000, and not-for-profit corporations with assets exceeding $2 million to authorize publicly funded charter schools, effectively eliminating school districts' monopoly on the process. Charter advocates say they could work around recalcitrant school boards who may be overly beholden to the teachers' union.

Under the AB 1464 scenario, for example, Kushner could approach, say, San Jose State University to start a Leadership High in San Jose. Proponents point out that New York and 11 other states already have similar laws. A Fordham Institute study concluded that education, as a whole, benefits from a system that allows competition in the authorization process, but functions best when the number of authorizers is limited.

Bates' bill seems destined for compromise. Both Kushner, the charter champion, and Fuller, the skeptic, fear that mayors, in particular, would turn charter schools into political footballs. That already happened in Oakland, where Mayor Jerry Brown had to kick his idea for a military academy charter, rejected by the local and county boards, up to Hastings and the rest of the state board for approval. Kushner says he prefers Michigan's law, which limits the power to authorize charters to colleges, universities and museums.

The CTA is opposing Bates' bill, saying that if it isn't unconstitutional, it at least skirts the constitutional requirement that elected officials oversee public education. Unhappy parents certainly would have a hard time recalling the chancellor of UCLA, and an even tougher time with the president of Stanford. Charter fans suggest that the union is more concerned about an erosion of influence.

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Opinions vary on whether competition from charter schools has improved education as a whole. Lauren Dutton, a New Schools Venture Fund partner who oversees its charter-school programs, says some districts are clearly learning from the charter experience. Progressive superintendents, she says, now view charter schools as another tool, not a threat. One lesson is that small school structures have distinct advantages, and so across the country, some districts are developing "school within a school" structures.

Her comments contrast, however, with a national study by PACE's Eric Rofes that found many school districts don't pay attention to what charter schools do in their midst, in part because of often hostile relations. Fuller says that many charter schools aren't proving innovative at all. "It's not clear that market dynamics are spurring more innovative schools. We remain about 950 flowers short of 1,000 blooming," he says. Although most charters reach underprivileged students, "many charters are becoming more traditional, more didactic ... adding the name 'academy' or 'college prep' to their name, unabashedly going after the better-off parents and kids."

Mr. Chips, CEO

Some reforms within this reform movement seem inevitable. But in the end, state policy may matter less than the particular qualities and commitment that practitioners like Kushner bring to education.

Kushner, a San Francisco native who attended Wesleyan University in Connecticut and also studied English literature at Oxford, said he had long aspired to the law but also had a passion for teaching, and did so in a private school in Pomona before passing the bar. He practiced environment law for five years, and made a good living by suing polluters. But he missed the classroom, and after California adopted the charter schools law, Kushner quit law and entered the Harvard Graduate School of Education to design a model charter high school.

"I found that I really missed the students," he says. Leadership High, as the name suggests, has a curriculum tailored around the idea of what it takes to create effective leaders. High academic standards and communication skills, such as writing and speech, are emphasized. Initiative is encouraged. Students don't sign up for band or sports; they start them. Community service is a requirement.

Kushner says one key to Leadership's success is not just small class size but the sort of intense "personalization" of education that blossoms on small campuses. "It's just impossible to fall through the cracks," Kushner says. San Francisco's Leadership High now has 345 students in grades 9 through 12; the Richmond campus is starting only with 135 ninth-graders to allow the school's culture to build over time.

When he launched his first school, Kushner budgeted a salary of $25,000 for himself for the first two years operation. Now the Leadership Public Schools board of directors has approved a salary of $135,000, commensurate with the superintendent of a small district. The growth plan calls for Richmond this year, then two schools in 2004 — and a total of 25 within a decade. As they say in Silicon Valley, this start-up's business model is "scalable." That's the hope, anyway.

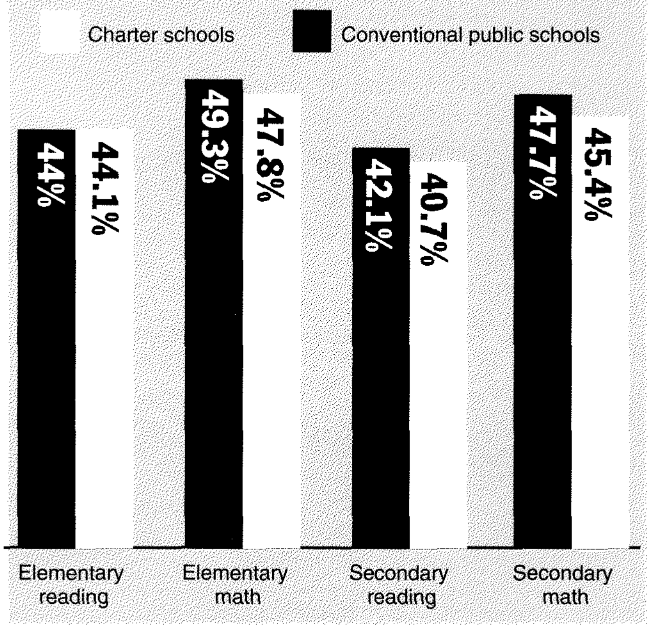
Unlike the San Francisco original, these schools would all operate under the Leadership Public Schools umbrella, with Kushner at the helm. He'll be less like Mr. Chips and more like the CEO of a big company, albeit a nonprofit. Other nonprofit charter operators, such as Aspire Schools, have similar visions. To Fuller, it's more than a little ironic that the charter school movement, created to combat the education bureaucracy, has its own dreams of benevolent empire, like a chain of McSchools.

Kushner doesn't care for the franchise analogy, but a charter-chain success could inevitably mean he'll be missing the students that much more. For now, however, he can brag about his first two graduating classes. Many are matriculating at UC and California State University campuses, and some have traveled far from home, such as Nikki Magtoto. She is a Leadership grad of Filipino, Latino and Scottish ancestry who landed at tony Vassar only to discover that its Asian Studies program seems only interested in China and Japan. Nikki, Kushner says, raised a ruckus. "Even as a freshman, she's been muckraking," he says proudly. "I love it."

Scott Duke Harris is a freelance journalist in San Jose. Comments may be sent to **comments@statenet.com.**

Charter test scores

Test scores in charter schools are remarkably similar to those in conventional schools when adjusted for the background of charter school students (studies say that charter school students are in a lower socioeconomic group). If charter schools are the answer to underperforming public schools, skeptics ask, why are their scores the same or lower than state run schools?



Source: Rand Corp., 2002 survey

Playing politics

by Susan Rasky

The map of blue states and red states favored by campaign consultants and TV network graphics departments is a sterile rendering of the American electorate. It ignores the history and texture of what people believe and why they believe it — the messy stuff that makes politics worth following.

Ideology after all is not linear. It's circular. And somewhere on that circle the right and the left overlap, not just as "wing nuts" who lurk at the extremes of each of the major political parties, but also as self-styled populists and reformers and independents and libertarians who profess no partisan allegiance.

> Ideology after all is not linear. It's circular. And somewhere on that circle the right and the left overlap.

It is this political and cultural territory, this overlap, that British playwright David Edgar has chosen to explore in two interlocking plays about a fictional gubernatorial election in a "western" state that mostly resembles California. The plays, *Mothers Against* and *Daughters of the Revolution* were jointly commissioned by the Oregon Shakespeare Festival, where they opened in March, and the Berkeley Repertory Theater, where they will open this fall.

Edgar spent several months in 1998 and again in 2001 assembling his own floating focus group of California politicos, journalists and academics to acquaint himself with the particulars of contemporary campaign practice and the state's recent electoral history. The results include characters based on Dianne Feinstein, Ward Connerly, '60s-radical-turned-arch-conservative David Horowitz, and, for reasons not entirely clear, the very vituperative and very un-California conservative TV pundit Ann Coulter.

As a Brit, Edgar has disadvantages in tackling California politics. He errs perhaps in not realizing how isolated the California GOP is from the lively, intellectualism of Beltway conservatives, and he probably gives the state's Democrats more tactical credit than they deserve.

On the other hand, distance seems to have helped him capture — without resorting to parody or smugness —- the state's essential contradiction: highly sophisticated and professionalized campaign practices and a population almost defiantly indifferent to either governing or politics.

Much of that sensibility emerges in *Mothers Against,* where the action centers on an intense weekend of debate preparation at the home of the Republican gubernatorial candidate. Edgar says he's been mulling the dramatic possibilities of the debate-prep idea since David Stockman, impersonating his former boss John Anderson, helped candidate Ronald Reagan rehearse for a debate during the 1980 presidential primary.

The playwright's fascination with Stockman prepping Reagan is not just a matter of a plot device. Far more intriguing, he says, was the knowledge that Stockman had grown so disillusioned with Anderson's brand of moderate Republicanism that he deliberately sought to undercut his old boss. Political disillusionment is what I write about, Edgar likes to say.

Daughters of the Revolution is the more complex and ambitious of the two plays, and political disillusionment is at its core. Nominally it presents the Democratic side of the fictional election, but mostly it examines the theme that seems closest to the playwright's heart: the legacy of the 1960s activists as they come to terms with their own pasts and their roles in contemporary politics. As Edgar notes in his introduction, the 1960s were a period of radical activism and upheaval for the right as well as the left.

Although the plays are complete in themselves, they are linked by — what else? — a ballot initiative. It complicates the campaigns and the personal lives of both candidates and allows Edgar to pack in some snappy "West Wing" style dialogue as well as show off, in a thoroughly enjoyable way, what he learned following political consultants around. Some of the best scenes feature sequences where the campaign teams "air" 30-second commercials as they game the other side's moves. Edgar, who studied old ad tapes borrowed from Sacramento reporters, says the mock ads were "shockingly easy" to create.

A Tony Award winner whose plays have appeared on British television as well as in London's West End theaters, Edgar's charm is that he isn't the least bit interested in aping Aaron Sorkin or besting the political consultants at their own games. And when he told a packed theater in Ashland, Ore., that he viewed his work as part of a tradition of politically engaged playwriting with roots in George Bernard Shaw, Berthold Brecht and John Osborne, there was loud and sustained applause.

Contributing Editor Susan Rasky teaches at the University of California at Berkeley Graduate School of Journalism. Comments may be sent to **comments@statenet.com.**

Exposing the TRUTH AND FICTION of racial data

Racial data is already clouded by the increasing numbers of those who decline to state an ethnic identity and those who are of mixed race. But will voters tell government to stop collecting the information in an upcoming ballot measure?

By Pamela Burdman

The controversies that surround race and racial preferences are never very far from center stage in American public debate. Just this past June, for instance, the United States Supreme Court's most notable decision of 2002-2003 involved racial preference. In *Grutter v. Bollinger et al*, the court reaffirmed a view expressed in a landmark 1978 California case that diversity in education is a worthwhile goal, and thus it allowed the University of Michigan to take race into account when considering admissions to its law school.

Nonetheless, the 5-4 decision in *Grutter* also demonstrated that the court remained troubled and divided on the subject even after a quarter century, for its decision occurred on the 25th anniversary of *Regents of the University of California v. Bakke*. In that case, a white student felt he was unfairly denied admission to medical school because slots had been set aside for minority applicants. Although the court ruled in favor of the student, Allan Bakke, it also sanctioned the use of race to achieve student-body diversity. *Bakke*, too, was decided on a 5-4 vote. And in both *Grutter* and *Bakke*, the court's differences were highlighted

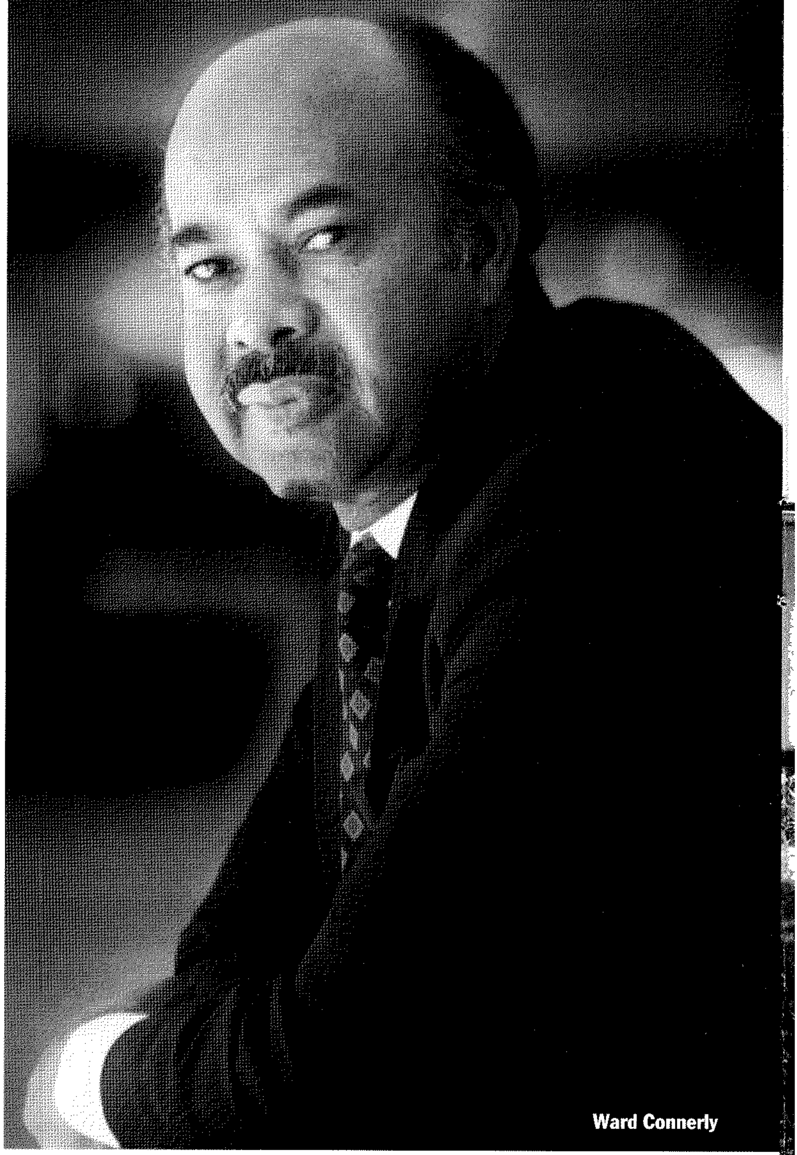
Photo: Corbis

by impassioned dissents.

Although the court narrowly reaffirmed the value of racial diversity, Californians may soon limit the state's ability to keep track of it. At issue is an initiative that would do away with racial checkboxes that confront Californians on a myriad of state documents, from job applications and college enrollment forms to birth and death certificates. The initiative — called the Racial Privacy Initiative (RPI) by its supporters, the Information Ban by its detractors, and Classification By Race, Ethnicity, Color or National Origin by the Secretary of State's Office — is designed to block the state from collecting information about race, ethnicity, color or national origin. It is the brainchild of Ward Connerly, the Sacramento businessman and University of California regent who led the fight to ban racial preferences at the university in 1995 and later chaired the campaign to pass Proposition 209, the anti-affirmative action initiative passed by voters in 1996.

Connerly's new initiative already has qualified for the California ballot and now awaits an election. It currently is slated for the March 2004 ballot but could go before voters as early as this fall if the recall campaign against Governor Gray Davis qualifies this summer, in time for a special election.

California's existing ban on affirmative action, its tremendous demographic diversity, and its climbing numbers of mixed-race residents combine to raise real questions about how the state collects racial information from its



Ward Connerly

residents — and even whether it should continue to do so. Unlike affirmative action, however, which has been hotly debated in the country for decades, the controversy over racial classifications involves arcane statistical dilemmas that many Californians wouldn't seriously ponder were a ballot initiative not thrusting those questions to the forefront.

"It's an obvious issue that at some point our society is going to have to debate," said Connerly.

Connerly contends that outmoded racial categories are remnants of the Jim Crow past and the "one-drop" rule, which classifies a person as, say, black if he or she has but "one drop" of African-American blood in his or her ancestry. But many researchers, civil rights advocates and public officials insist that racial statistics are a valuable tool for fighting discrimination, understanding racial disparities and providing services for all Californians.

"If you got rid of that data, you're creating a gigantic hole. California would be this strange anomaly in a broader movement toward actually gathering more data," said John Douglass, senior research fellow at UC Berkeley's Center for Studies in Higher Education.

California has become one of the world's richest sources of racial and ethnic data, particularly in the health field. It is somewhat ironic, however, that the very reasons for California's leadership — an increasing variety of ethnicities and the rise of interracial marriage — go to the heart of critics' arguments for abolishing the data altogether.

For example, racial-data foes include a large number of mixed-race individuals who understandably chafe at having to choose between their mother's and father's race on forms that only permit one selection. But California is ahead of most of the country in addressing this problem. It was the first state in the nation to provide room on birth certificates for multiple races, allowing parents to write in their answers if none of the boxes applies.

Still, such bureaucratic changes are slow in coming. Not all of California's forms have adopted the multiple-race format, and a federal panel launched in 1994 to evaluate birth certificate standards took six years to release recommendations, and those have yet to be fully implemented. And clearly, no enhancements to racial data collection invalidate another complaint of data opponents: that the government has no more business querying people about their race than they would about religion or sexual orientation.

It's too early to say whether that argument will prevail with voters. Although a majority agreed with the idea in an April Field Poll, only 11 percent of likely voters had actually heard of the Racial Privacy Initiative. But Connerly's initiative is sure to elevate public discussion about what the state does with racial information.

Useful data

A random survey revealed that while many federal forms still include only six different racial and ethnic categories, California's various state

The Racial Privacy Initiative

Amends Article I of the California Constitution to include the following rules:

- State and local governments "shall not classify any individual by race, ethnicity, color or national origin in the operation of public education, public contracting or public employment."
- Allows the prohibition to be suspended for "compelling state interest" with a two-thirds vote of both houses of the Legislature and approval by the governor.
- Exempted from the prohibition are designated fair housing and employment programs; medical research projects; law enforcement descriptions; prisoner assignments; court-ordered consent descrees and any program where federal funding or regulations require racial classification.
- Prohibition is effective Jan. 1, 2005.

> **“Many states don’t collect this information at all. Those that do, probably don’t collect it with the sophistication and volume that California does. It’s the richest such data set in the country, probably in the world.”**
> **— David Carlisle, director of the Office of Statewide Health Planning & Development**

agencies use up to 26. That’s one reason that California’s patient discharge data, with about 3.5 million observations a year, has yielded nearly 2,000 scientific articles by researchers around the world, including a wealth of findings on racial and ethnic disparities in health outcomes. Particularly with respect to Asian sub-groups such as Vietnamese, Korean, Filipino and Hmong, only California has enough racial diversity to offer research-ready data.

“Many states don’t collect this information at all. Those that do, probably don’t collect it with the sophistication and volume that California does. It’s the richest such data set in the country, probably in the world,” says David Carlisle, director of the Office of Statewide Health Planning and Development.

For similar reasons, federal officials have helped fund the new California Health Interview Survey, a collaborative effort between UCLA and the state Department of Health Services to analyze access to care. “We found the federal data sources to be really inadequate,” said Rick Brown, director of the UCLA Center for Health Policy. “We couldn’t get good information about racial and ethnic groups in California.” Findings of the California health survey include statistics revealing that Latinos are three times more likely than whites to be uninsured.

If the initiative passes, some racial and ethnic information would survive. Some sources would continue because they are required by the federal government or, like the health survey, receive federal funding. Others would fall under various other exemptions in the initiative, including one that allows law-enforcement officers to use race to identify suspects, and another for medical research subjects and patients. And programs outside of public education, employment and contracting could be exempted by a two-thirds vote of the Legislature.

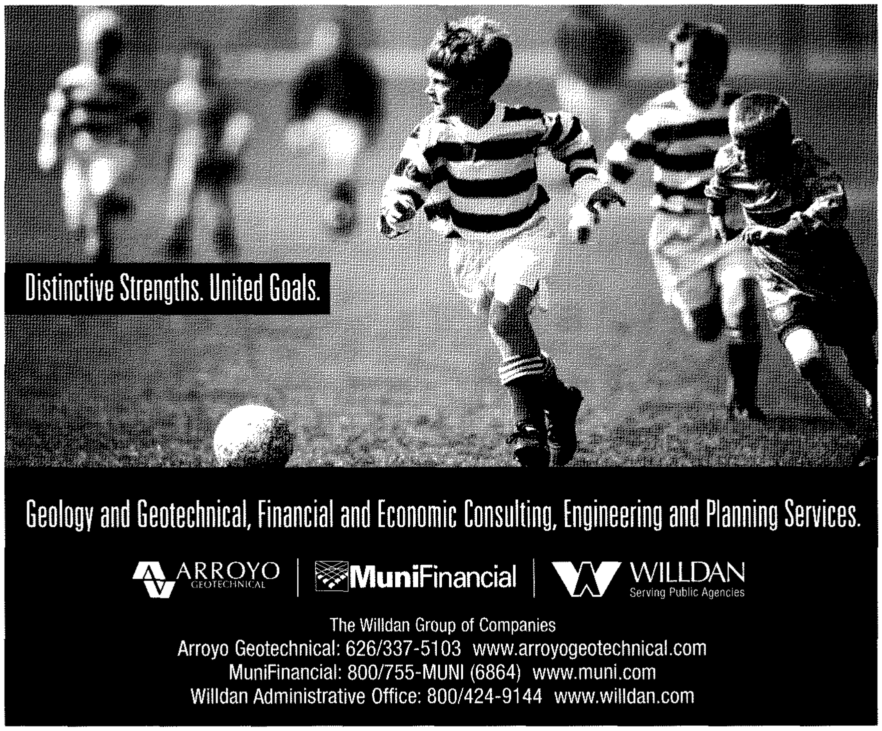
Because of the thicket of state and federal laws, ambiguities in the initiative’s wording and the certainty of intense litigation if it passes, it’s difficult to predict its impact. Most state offices can’t even produce an exhaustive list of their sources of racial and ethnic information.

That will change soon.

“The RPI is bringing a lot of questions to the department,” said Sonya Edwards of the Department of Education’s Demographics Unit. “We’re creating an inventory of all the data the department has.” In addition to the Department of Education, the Health and Human Services Agency is surveying its departments, and the California Program on Access to Care is funding a $46,000 study at UC Berkeley to determine the initiative’s potential effects on health care.

Interviews suggest that a wide range of data sources would be in jeopardy, although the precise impact of the measure is a matter of political debate. The potential impacts that are drawing the most attention include the following:

- **Sources on racial disparities in public health.** Doctors and public health experts say the initiative’s exemption for “medical research subjects and patients” would apply only to individuals participating in clinical studies and to individual patient records. While some health information is federally mandated, vulnerable are state-specific sources such as the hospital discharge data collected by the Office of Statewide Health Planning and Development. It has been used for studies comparing disease prevalence, infant mortality, and other conditions for the purpose of design-



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ing prevention plans.

For this reason, Kaiser Permanente and numerous other health-care organizations oppose the initiative. "Medical practice focuses very much on the numerator of the equation. Each patient represents a collection of genetic information and medical information," said pediatrician Sharon Levine, associate executive director of the Permanente Medical Group. "In order to interpret that and make meaning of it in terms of the impact for the population from which that patient comes, it's critical to have denominator data."

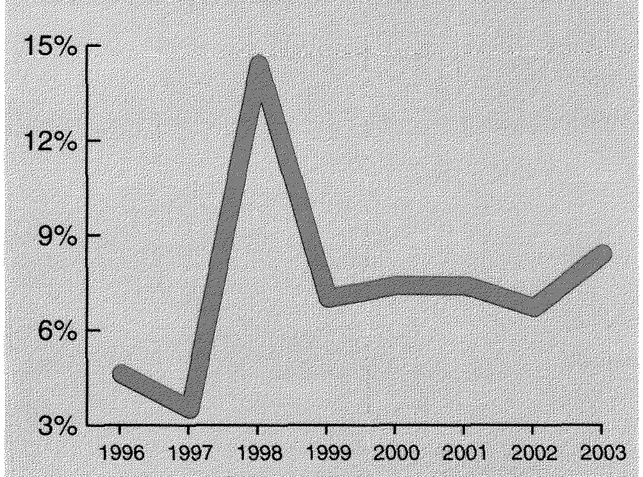
Kevin Nguyen, the Racial Privacy Initiative's official proponent, dismisses the health concerns as "fear-mongering." But Connerly has taken a more moderate stance, promising to join the medical and research communities in seeking clear exemptions from the Legislature if the initiative passes.

• **Racial information on birth and death records.** Like many health databases, vital statistics are a gray area. Although the federal government doesn't specifically mandate the race question, dropping the checkboxes could violate a contract between California and the Centers for Disease Control, which collects the statistics. Various state officials also use the data. For example, since fertility rates differ by race, the stats help the Department of Finance make population projections used by state agencies to anticipate infrastructure needs such as highways, schools and hospitals, said Mary Heim, chief of the department's demographic research unit.

• **Racial breakdown of applicants and admits to public universities:** The U.S. Department of Education requires universities to report annually on the racial mix of their students. But schools are not required to tell the federal government anything about students who applied and didn't get in, or those who got in but enrolled elsewhere. Without this information, civil rights organizations say they would have no way of documenting discrimination. Even Proposition 209 author Thomas Wood opposes the measure because he says the data is needed to fight reverse discrimination. But Connerly and other affirmative action opponents maintain that only outlawing the data will ensure that preferences don't enter admissions offices "through the back door."

Is racial privacy on the rise?

In 1998, the year the University of California abolished affirmative action in undergraduate admissions, UC officials observed a steep increase in the percentage of students who didn't want to reveal their race. The number has declined since then, but remains much higher than it was under the race-conscious admissions regime.



Source: University of California.
Note: Numbers are for California residents only.

A recent settlement between UC Berkeley and several civil rights groups would allow the campus to continue gathering this information for the next five years, but the Legislature is barred from making other exemptions within education. The university's Board of Regents voted in May to oppose the initiative. The California Postsecondary Education Commission may do the same at its July meeting.

• **Race and ethnicity of high school students:** Schools must report students' racial information under the federal "No Child Left Behind" program. However, some wealthy districts in California haven't joined the federal program, so they could be prohibited from recording students' race. Even those schools that still use the race boxes might have to drop categories like Filipino and mixed-race, which are not included in the data dictionary published by the U.S. Department of Education. In another anomaly, the College Board, a national organization that administers tests such as the SAT, would continue to collect student information and aggregate it by race, but the state apparently couldn't use it.

Connerly maintains that the less such data the better. "All of this statistical stuff is not producing any positive results at all, and there is some question about whether it might be doing harm," he said.

• **Financial aid:** Public universities already use race-blind financial aid practices under Proposition 209, but scholarships tied to national origin could be blocked by the initiative. Without a federal requirement to report on students' national origin, $4 million to $5 million in scholarship money is at stake, according to Nina Robinson, director of policy and external affairs in UC's Student Academic Services. Connerly suspects that such scholarships are violating Proposition 209 and recommends that any parties wishing to donate such scholarships administer them privately.

• **Academic freedom:** Although Connerly insists that the initiative was not intended to restrict faculty research, concerns about that possibility led UC faculty leaders to unanimously oppose it. In an analysis, UC's lawyer wrote that the impact would hinge on how courts interpret terms such as "the state" and "public education."

• **Racial profiling:** Hate crimes and racial profiling would remain illegal, but law enforcement agencies wouldn't be allowed to collect the data that could show a pattern of racial

> **"The collection of racial and ethnic data is not built on science. It's a reflection of political and social values that have occurred over time."**
>
> **— Henry Der, former deputy superintendent of public instruction and a member of a federal advisory committee on the U.S. Census**

profiling or hate crimes, according to an analysis by graduate students at UC Berkeley's Goldman School of Public Policy. Initiative backers say under the initiative, the state could allow local governments to acquire the data, but it could not require them to do so.

Better methods

Even if Connerly's measure fails, the heightened scrutiny could expedite improvements in the way race and ethnic information is collected in California, an outcome that some opponents of the measure agree is long overdue.

Consistency is one concern. As it stands, the birth certificate lists 20 races, the University of California has 14 options on its application form, and the community college system has 26. With the exception of the U.S. Census, most federal programs still require respondents to check only one of six races, while the UC application and the birth certificate worksheet allow multiple races. At some UC campuses, there is even a form for "change of ethnicity." State officials have never dictated how agencies should collect the information, but many are moving toward standardization or adopting the federal guidelines used for the 2000 Census' transition to a mixed-race questionnaire.

"The collection of racial and ethnic data is not built on science," said Henry Der, former deputy superintendent of public instruction and a member of a federal advisory committee on the U.S. Census. "It's a reflection of political and social values that have occurred over time."

But those values can't be reflected perfectly. "Hispanic," for example, is

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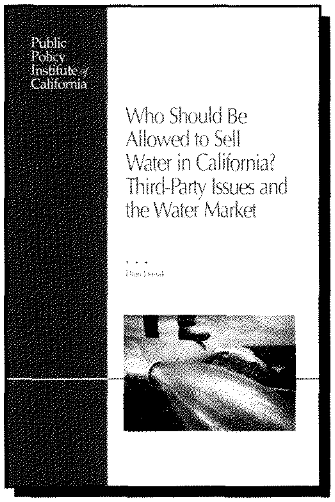

Under current patterns of water use, California faces the prospect of chronic water shortages by 2020. Among the measures that can alleviate supply and demand imbalances is the development of a water market. In *Who Should Be Allowed To Sell Water in California? Third-Party Issues and the Water Market*, Ellen Hanak examines water transfers in California, local resistance to them, and various approaches to resolving water disputes.

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> **“Whether RPI [Racial Privacy Initiative] passes or not, it will likely result in an increase of decline-to-state.”**
> **— Patrick Perry, California Community Colleges**

a term representing Spanish-speaking people and their descendants. So, a Hispanic person is also black, white or another race. But as U.S. Census officials discovered when they received many inconsistent answers on their questionnaires, many Hispanics don’t recognize the difference, according to research associate Sonya Tafoya of the Public Policy Institute of California.

As for mixed-race individuals, demographers have convened conferences on how to count them; calling a person half white and half black carries ugly reminders of slavery, when blacks were counted as three-fifths of a person. But if researchers put a mixed-race person in two categories, each person would be double-counted. UC resolves the dilemma through an algorithm that says a black-Chinese individual is considered black, and a Chinese/white individual is Chinese — exactly the sort of ethnic bean-counting that fuels the campaign for “racial privacy.”

If a defeat of the initiative could lead to better data-gathering, it might also complicate another existing conundrum for racial numbers crunchers: how to track individuals who don’t check any of the race boxes. In 1998, the year affirmative action ended at UC, that group quadrupled to 14.4 percent of all applicants. It has since leveled off at around 8 percent, still high enough for Connerly to point to a groundswell of resistance.

While the trend is to make the checkboxes optional, statistical accuracy is sacrificed for every “decline to state” response. Researchers have no choice but to report large gaps or to assume that the “decline to state” group shares the characteristics of those who reported their race, which nobody really believes. Data experts fear that a broad public attack on racial checkboxes will only lead to more non-responses.

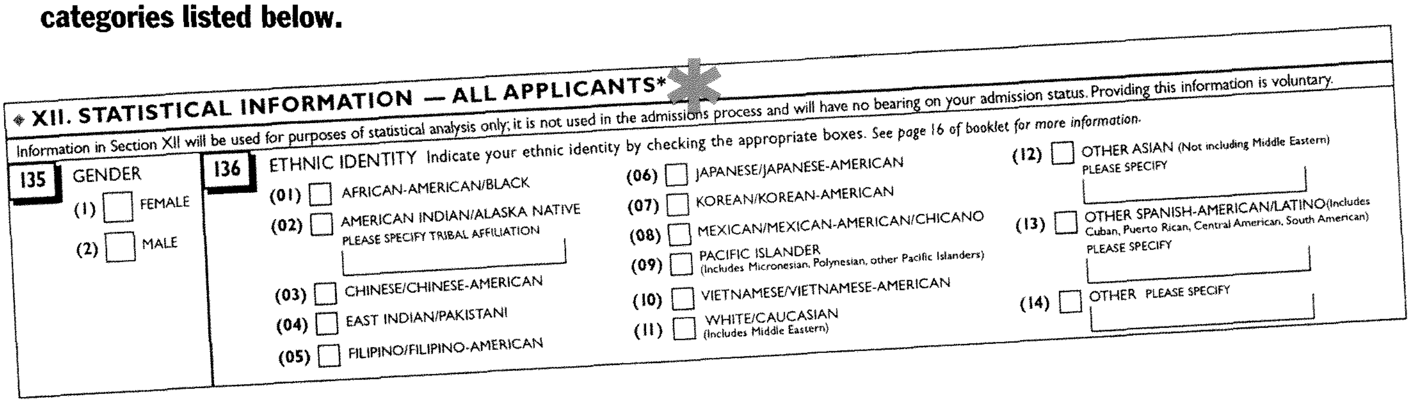
“Whether RPI passes or not, it will likely result in an increase of decline-to-state,” said Patrick Perry, vice chancellor of the California Community Colleges. “When folks don’t respond, you have no way of validating who exactly they are.”

If those predictions are correct, Californians, whether voting at the ballot box or with their feet, could render moot state officials’ attempts to provide more accurate racial and ethnic information.

Pamela Burdman is a freelance writer and former higher education reporter for the San Francisco Chronicle. *Comments may be sent to* **comments@statenet.com.**

Ethnicity on UC applications

Section 136 of the 2003-2004 Undergraduate and Scholarship Application for the UC system asks for a voluntary indication of an applicant’s ethnic background by checking one of the 14 categories listed below.



◈ **XII. STATISTICAL INFORMATION — ALL APPLICANTS***

Information in Section XII will be used for purposes of statistical analysis only; it is not used in the admissions process and will have no bearing on your admission status. Providing this information is voluntary.

135 GENDER
(1) ☐ FEMALE
(2) ☐ MALE

136 ETHNIC IDENTITY Indicate your ethnic identity by checking the appropriate boxes. *See page 16 of booklet for more information.*
(01) ☐ AFRICAN-AMERICAN/BLACK
(02) ☐ AMERICAN INDIAN/ALASKA NATIVE PLEASE SPECIFY TRIBAL AFFILIATION
(03) ☐ CHINESE/CHINESE-AMERICAN
(04) ☐ EAST INDIAN/PAKISTANI
(05) ☐ FILIPINO/FILIPINO-AMERICAN
(06) ☐ JAPANESE/JAPANESE-AMERICAN
(07) ☐ KOREAN/KOREAN-AMERICAN
(08) ☐ MEXICAN/MEXICAN-AMERICAN/CHICANO
(09) ☐ PACIFIC ISLANDER (Includes Micronesian, Polynesian, other Pacific Islanders)
(10) ☐ VIETNAMESE/VIETNAMESE-AMERICAN
(11) ☐ WHITE/CAUCASIAN (Includes Middle Eastern)
(12) ☐ OTHER ASIAN (Not including Middle Eastern) PLEASE SPECIFY
(13) ☐ OTHER SPANISH-AMERICAN/LATINO (Includes Cuban, Puerto Rican, Central American, South American) PLEASE SPECIFY
(14) ☐ OTHER PLEASE SPECIFY

* **Additional instructions:** *“The information requested in this section will be used for statistical analysis only. It will not be used in your admission regulation and will have no bearing on your eligibility for admission. Providing this information is optional.”*

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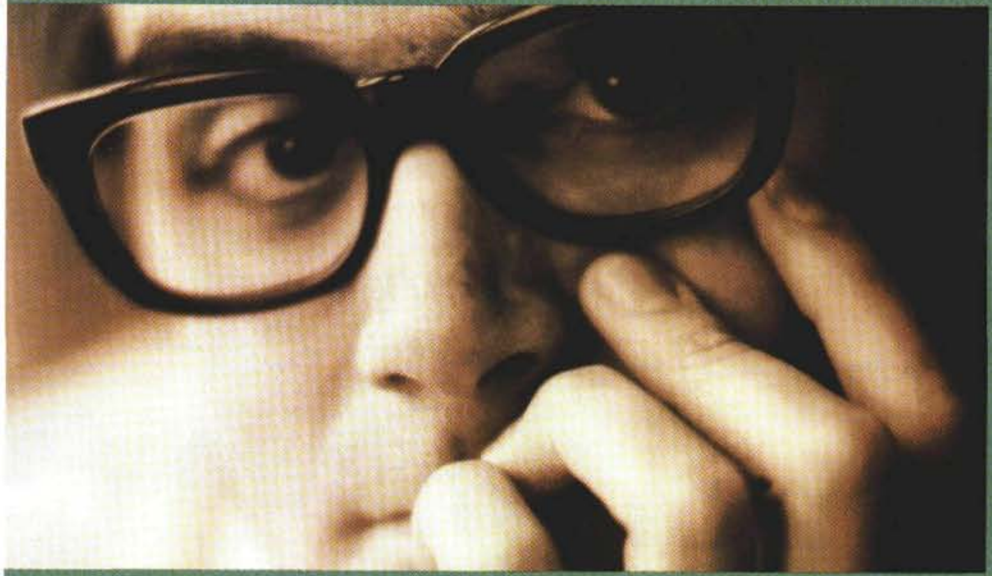

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